



Presidential rulings

MARI THOMSON—PINE VALLEY, CA, BRANCH 70

AUGUST 4, 2020 (7944)

This is in reply to your email, sent August 1, 2020, in which you raise several issues relating to the assignment of, and removal of duties from, shop stewards.

In response to your first question, I note that your email doesn't indicate whether Branch 70 authorized, consented, or objected to the Postal Service's payment of an outside steward to work in your office. Accordingly, I have no basis for commenting on whether this incident raised any issue under Article 17 of the National Agreement.

As to your second and third questions, it would be inappropriate for me to comment on the specific allegations set forth in your email, particularly since I only have your side of the story before me. The following discussion is intended to provide general guidance regarding the removal or suspension of stewards.

It is primarily the responsibility of the Branch President to enforce the obligations of other officers and stewards. Article 6, Section 1 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that the Branch President shall have "general supervisory powers over the Branch" and the authority to "see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch." In addition, under Article 6, Section 1 of the CGSFB, the Branch President is designated Chief Shop Steward. The President, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties.

The ability of the Branch President to remove shop stewards is determined by the manner of steward selection. Since the shop stewards in Branch 70 are elected by the members of each respective station, the President may remove stewards in accordance with the provisions of the Branch By-Laws.

In addition, Article 6, Section 1 of the CGSFB expressly provides that a Branch President has "the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy."

The question whether the President of the Branch properly exercised his/her constitutional authority in removing or suspending a steward would depend on the particular facts presented and the exact nature of the President's actions. Any such decision by a Branch President is subject to direct appeal to the Branch under Article 11, Section 1 of the CGSFB. The appeal must be presented at the next scheduled meeting of the Branch. The members of the Branch must then vote on the appeal. Their decision may be appealed to the National Committee of Appeals in accordance with the procedures provided by Article 11, Section 2 of the CGSFB.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of any appeal.

WALTER BARTON—AMITYVILLE, NY, BRANCH 6000

AUGUST 5, 2020 (7946)

This is in reply to your email, sent August 3, 2020, advising that Branch 6000 will not be able to hold an in-person nominations meeting on September 17. Instead, you are planning to arrange for a virtual meeting to conduct nominations via Zoom or Webex.

Your proposal is certainly reasonable in light of the ongoing coronavirus pandemic and New York State's restrictions on meetings.

In response to your specific question, there are no special rules or regulations governing virtual meetings. Rather, you must ensure that whatever arrangements you make are in compliance with the NALC Constitution and Regulations Governing Branch Election Procedures.

For example, you must make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all members of the Branch. You must also guarantee that every active and retired member has an opportunity to nominate a candidate for any office or position to be filled. If there is reason to believe that some members may not have the ability to participate in a virtual meeting, I would suggest that you provide members the option of submitting nominations in writing.

If any necessary procedures are inconsistent with the current Branch By-laws, you may request appropriate dispensation from me. Also, feel free to contact me if you require any technical assistance in arranging a virtual meeting.

I trust that the foregoing addresses your concerns.

TODD HORNYAK—COLUMBUS, OH, BRANCH 78

AUGUST 5, 2020 (7947)

This is in reply to your letter, dated August 3, 2020, requesting dispensation permitting Branch 78 to conduct meetings and transact business by teleconference or web based technology, if it satisfies the quorum requirement provided by the Branch By-laws. You also request dispensation permitting the Branch's nominations and acceptances to be submitted by email, teleconference or web technology rather than at a Branch meeting as provided by the By-laws. These alternative procedures are necessary because the Branch is unable to conduct in-person meetings due to the pandemic.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

SHEILA GARDNER—SAN FRANCISCO, CA, BRANCH 214

AUGUST 5, 2020 (7948)

This is in reply to your letter, dated July 31, 2020, requesting dispensation permitting Branch 214's

nominations to be submitted by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is necessary because the Branch is unable to conduct in-person meetings due to the pandemic and California's restrictions on public gatherings.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

MARY SMITH—MARION, OH, BRANCH 280

AUGUST 7, 2020 (7950)

This is in reply to your letter, received by my office on August 3, 2020, concerning the situation in Branch 280, Marion Ohio. According to your letter, the President and Vice President of the Branch have resigned, leaving you as the only officer. The Branch is unable to process grievances because the former Vice President was also your only steward. You now request that Brother Dave Ross who stepped down as President midterm be permitted to resume the presidency of the Branch.

Insofar as Brother Ross was previously elected, your proposal appears to be the best solution to this unfortunate situation. Therefore, in light of the facts presented and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Dave Ross to serve as President of Branch 280 for the remainder of the current term. As provided by Article 6, Section 1 of the Constitution for the Government of Subordinate and Federal Branches, Brother Ross may appoint a new Vice President. However, the Branch must still conduct its regular nomination and election of officers in November and December.

By copy of this letter, I am requesting that National Business Agent Mark Camilli continue to monitor the situation in Branch 280 and provide whatever assistance may be required to ensure that grievances can be initiated and processed in a timely manner.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN RIVERA—SAN JUAN, PR, BRANCH 869

AUGUST 7, 2020 (7952)

This is in reply to your letter, faxed to my office on August 5, 2020, requesting dispensation permitting Branch 869 to use alternative procedures to conduct nominations and election of Branch officers and delegates. According to your letter, the Branch election committee is prepared to ensure that all active and retired members will have an opportunity to nominate candidates and vote by secret ballot. Procedures are in place to accommodate observers.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely

notice of the revised procedures to be followed in nominating and electing officers and delegates is published in *The Postal Record*.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

DWIGHT DeROUEN—NEW IBERIA, LA, BRANCH 988

AUGUST 11, 2020 (7953)

This is in reply to your letter, received by my office on August 6, 2020, inquiring whether you have been disqualified from continuing to serve as President of Branch 988. According to your letter, you have accepted an appointment to an Ad Hoc DSI trainer position.

Article 5, Section 2 of the Constitution for the Government of Subordinate and Federal Branches provides that a member who holds, accepts, or applies for a supervisory position is not eligible to hold any office in the Branch for a period of two years. However, as previous rulings have repeatedly held, higher level, non-bargaining unit positions are not necessarily supervisory for purposes of Article 5, Section 2.

Generally speaking, a position is considered supervisory, within the meaning of Article 5, Section 2, if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties. It will be your responsibility, as Branch President, to determine whether the position to which you have been assigned carries supervisory authority. If it does not, then you would not be disqualified from continuing to serve as an officer.

In response to your second question, please be advised that Branch officers are required to step down if they apply for a supervisory position. The disqualification would go into effect immediately and would not be deferred until they actually accept or assume the position.

I trust that the foregoing addresses your concerns.

KENNETH LERCH—ROCKVILLE, MD, BRANCH 3825

AUGUST 13, 2020 (7954)

This is in reply to your email, sent August 7, 2020, advising that Branch 3825 will not be able to conduct its annual nominations meeting as scheduled on September 2 because the Rockville Senior Center, where the meeting takes place, will likely still be closed due to the coronavirus pandemic. You now ask whether it would be acceptable for the incumbent officers to remain in place, notwithstanding the provisions of the Branch By-laws.

The following discussion summarizes the advice we have been giving to Branches confronted with this problem.

At the outset, the Office of Labor Management Standards of the Department of Labor has issued the following guidance with respect to local union elections:

The [Labor Management Reporting and Disclosure Act ("LMRDA")] requires that . . . officers of local labor unions not less often than every three years. Labor unions affected by COVID-19 must still make a good faith effort to conduct officer elections within LMRDA timeframes. . . . If OLMS receives a complaint regarding a union's ongoing failure to hold an elec-

tion, and that failure was attributable to COVID-19, OLMS will promptly seek a voluntary compliance agreement with the union. The agreement would require the union to hold the election when practicable on a date certain. With such an agreement, OLMS will not seek a civil enforcement action based on the complaint, provided the election is held in conformance with the agreement.

Consistent with this guidance, we have advised that Branches may postpone scheduled nominations and elections without requesting dispensation from me to do so. Postponed nominations and elections should be rescheduled as expeditiously as possible.

However, we have also recognized that the pandemic may prevent some Branches from conducting normal elections of officers and delegates for an extended period of time. For example, Branches whose By-laws require that nominations and voting take place at scheduled Branch meetings will not be able to do so if in-person meetings are postponed indefinitely.

To address this situation, Branches should consider alternative procedures for conducting nominations and elections. For example, nominations may be submitted by mail or through video web conferencing (e.g. Zoom, WebEx, etc.). Elections could be conducted by mail ballot or at designated polling places.

Branches may submit to me requests for dispensation to implement alternative election procedures which would otherwise be inconsistent with their By-laws. Such procedures must comply with the Constitution and the NALC Regulations Governing Branch Election Procedures. Assistant Secretary-Treasurer Paul Bamer may be contacted for advice or assistance in developing alternative election procedures.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID GROSSKOPF, JR.—BUFFALO, NY, BRANCH 3

AUGUST 13, 2020 (7956)

This is in reply to your email, sent August 10, 2020, requesting dispensation permitting Branch 3 to reschedule its monthly membership meetings to times which may be inconsistent with the current provisions of the Branch By-laws. This change may be necessary because the Branch no longer can use the VFW facility at which meetings have been held.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic and the potential difficulty in finding suitable space for meetings. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the new time and place for future Branch meetings is provided to all active and retired members.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

MARI THOMSON—PINE VALLEY, CA, BRANCH 70

AUGUST 17, 2020 (7965)

This is in reply to your email, sent August 13,

2020, in which you ask several additional questions pertaining to the reassignment of a steward's representational duties by a Branch President.

Article 6, Section 1 of the Constitution for the Government of Subordinate and Federal Branches authorizes a Branch President to reassign a steward's representational duties to another person based on the steward's failure to meet his/her responsibilities. The representational duties of stewards vary from Branch to Branch. It is up to the Branch President to decide which duties are to be reassigned. The Constitution does not limit the duties that are subject to reassignment.

However, a steward whose duties have been reassigned under Article 6, Section 1 has not been removed from his/her elected position. Generally speaking, an elected steward remains entitled to attend steward meetings and to perform whatever duties were not reassigned to the extent consistent with the Branch By-laws.

As I previously advised, the decision of a Branch President to reassign a steward's duties may be appealed to the Branch under Article 11 of the CGSFB. Such an appeal could involve a claim that the President's reassignment of duties was excessive.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read as expressing any view as to the merits of any appeal.

WILLIAM COOK—SCHENECTADY, NY, BRANCH 358

AUGUST 17, 2020 (7966)

This is in reply to your letter, dated August 14, 2020, requesting dispensation permitting Branch 358 to conduct meetings and transact business by teleconference or web based technology, if it satisfies the quorum requirement provided by the Branch By-laws. You also request dispensation permitting the Branch's nominations and vote for delegates to the 2021 New York State Association Convention to be conducted by email, teleconference or web technology, while still permitting members to participate in person at the Branch meeting if they are able to attend. These alternative procedures are necessary because the Branch has been unable to conduct in-person meetings due to the pandemic, as well as restrictions on public gatherings imposed by New York State.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of these alternative procedures is provided to all active and retired members of the Branch. Notice of the procedures to be followed in nominating and electing delegates must be sent by mail.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

WALTER BARTON—AMITYVILLE, NY, BRANCH 6000

AUGUST 17, 2020 (7967)

This is in reply to your email, sent August 14, 2020, asking that I review a draft of Branch 6000's amended notice of nominations and election.



The draft does appear to meet the applicable requirements for a mail ballot election notice provided by Section 5 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

However, I would recommend that you clarify the language regarding acceptance of nominations. The present draft seems to suggest that candidates must submit an acceptance by September 16, which is the day before nominations are actually submitted.

Section 6.31(d) of the RGBEP provides: "If a nominee is not present at the [nominating] meeting, written acceptance is permissible." This regulation reflects the requirements of federal law. The Department of Labor's (DOL) regulations covering union elections state the following:

A requirement that members must be present at the nomination meeting in order to be nominated for office might be considered unreasonable in certain circumstances; for example, in the absence of a provision for an alternative method under which a member who is unavoidably absent from the nomination meeting may be nominated, such a restriction might be regarded as inconsistent with the requirement in section 401(e) [of the Labor-Management Reporting and Disclosure Act] that there be a reasonable opportunity to nominate and to be a candidate. 29 C.F.R. Section 452.59.

Accordingly, Branches may not deny absent nominees the opportunity to submit an acceptance in writing. Previous presidential rulings have held that a Branch may be obliged to accept a nomination submitted after the meeting based on a claim by the nominee that he/she was absent for unanticipated reasons.

I trust that the foregoing addresses your concerns.

JOHN RIVERA—SAN JUAN, PR, BRANCH 869
AUGUST 24, 2020 (7964)

This is in reply to your letter, dated August 12, 2020, requesting dispensation authorizing you to impose a one year suspension on a member of Branch 869. According to your letter, charges have been filed against this member, but the Branch cannot investigate or vote on the charges due to the ongoing coronavirus pandemic.

While I appreciate your concerns, I cannot grant your request. Under the NALC Constitution, no member may be suspended by a Branch without complying with the procedures set forth in Article 10 of the Constitution for the Government of Subordinate and Federal Branches. The authority you request is clearly unconstitutional.

In light of the foregoing I see no purpose to be served by arranging a video or telephone conference.

Please understand that this letter should not be read to express any view as to the allegations against the member in question or the merits of the charges.

VERONICA FLORES OSBORNE—WEST PALM BEACH, FL, BRANCH 1690
AUGUST 24, 2020 (7969)

This is in reply to your letter, dated August 17, 2020, requesting dispensation permitting Branch 1690's nominations of officers and delegates to be submitted by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure would be used if the Branch is unable to con-

duct in-person meetings due to the pandemic or is unable to do so in accordance with CDC guidelines.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is published in The Postal Record or otherwise sent by mail to all members of the Branch.

In addition, I would recommend one modification of the language in the draft notice regarding acceptance of nominations. The present draft requires that candidates must mail their acceptance with the written nomination. This could be difficult if a candidate is nominated by another member. I suggest that you permit nominees to submit their acceptance in a separate mailing.

I trust that the foregoing addresses your concerns.

KRISTINE FIATOA—PEARL CITY, HI, BRANCH 4682
AUGUST 24, 2020 (7970)

This is in reply to your email, sent August 18, 2020, advising that Branch 4682 may not be able to conduct its annual nominations and election meeting as scheduled in October and November due to the COVID-19 pandemic. You now ask for advice as to how to handle this situation.

The following discussion summarizes the advice we have been giving to Branches confronted with this problem.

At the outset, the Office of Labor Management Standards of the Department of Labor has issued the following guidance with respect to local union elections:

The [Labor Management Reporting and Disclosure Act ("LMRDA")] requires that . . . officers of local labor unions not less often than every three years. Labor unions affected by COVID-19 must still make a good faith effort to conduct officer elections within LMRDA timeframes. . . . If OLMS receives a complaint regarding a union's ongoing failure to hold an election, and that failure was attributable to COVID-19, OLMS will promptly seek a voluntary compliance agreement with the union. The agreement would require the union to hold the election when practicable on a date certain. With such an agreement, OLMS will not seek a civil enforcement action based on the complaint, provided the election is held in conformance with the agreement.

Consistent with this guidance, we have advised that Branches may postpone scheduled nominations and elections without requesting dispensation from me to do so. Postponed nominations and elections should be rescheduled as expeditiously as possible.

However, we have also recognized that the pandemic may prevent some Branches from conducting normal elections of officers and delegates for an extended period of time. For example, Branches whose By-laws require that nominations and voting take place at scheduled Branch meetings will not be able to do so if in-person meetings are postponed indefinitely.

To address this situation, Branches should con-

sider alternative procedures for conducting nominations and elections. For example, nominations may be submitted by mail or through video web conferencing (e.g. Zoom, WebEx, etc.). Elections could be conducted by mail ballot or at designated polling places. Your suggestion that the Branch modify its meeting procedures to permit social distancing may also be an acceptable alternative.

Branches may submit to me requests for dispensation to implement alternative election procedures which would otherwise be inconsistent with their By-laws. Such procedures must comply with the Constitution and the NALC Regulations Governing Branch Election Procedures. Assistant Secretary-Treasurer Paul Bamer may be contacted for advice or assistance in developing alternative election procedures.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

MICHAEL SMITH—BALTIMORE, MD, BRANCH 176

AUGUST 24, 2020 (7972)

This is in reply to your letter, dated August 11, 2020, requesting dispensation allowing nominations to fill an officer vacancy in Branch 176 to be submitted by certified mail, rather than at a Branch meeting as provided by the By-laws. You also request dispensation allowing the vote to be conducted by mail ballot. This alternative procedure is necessary because the Branch is unable to conduct in-person meetings due to state and local restrictions on gatherings and assemblies.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in connection with this special election is sent by mail to all members of the Branch.

I trust that the foregoing addresses your concerns.

JAKE DICKSON—FORTUNA, CA, BRANCH 348
AUGUST 24, 2020 (7973)

This is in reply to your letter, received by my office on August 14, 2020, requesting dispensation permitting Branch 348 to use alternative procedures to conduct nominations and election of Branch officers and delegates. According to your letter, the Branch will have an election committee that is prepared to ensure that all active and retired members will have an opportunity to nominate candidates and vote by secret ballot. Nominations and the election will be conducted by mail.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the revised procedures to be followed in nominating and electing officers and delegates is provided by mail to all active and retired member of the Branch.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

ERNIE ARRANAGA—SAN JOSE, CA, BRANCH 193

AUGUST 24, 2020 (7975)

This is in reply to your letter, dated August 14, 2020, advising that, due to the coronavirus pandemic, Branch 193 may not be able to conduct its normal election of officers and delegates. You now ask for dispensation permitting the Branch to conduct nominations and the election by ZOOM.

I am certainly prepared to grant your request for dispensation to implement alternative election procedures which would otherwise be inconsistent with the Branch By-laws. However, your letter does not provide sufficient detail as to how nominations and balloting will be conducted. Alternative nomination and procedures must comply with the Constitution and the NALC Regulations Governing Branch Election Procedures. For example, any alternative procedures must guarantee that every member of the Branch has a reasonable opportunity to submit nominations. Elections, of course, must be conducted by secret ballot.

I recommend that you contact Assistant Secretary-Treasurer Paul Barner for advice in developing nomination and election procedures. Once the details are set, please send me a follow up letter so that I can grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ANGEL MARTINEZ—ALBUQUERQUE, NM, BRANCH 504

AUGUST 25, 2020 (7982)

This is in reply to your letter, dated August 21, 2020, requesting dispensation permitting Branch 504 to use alternative procedures to conduct nominations and the election of Branch officers and delegates. The dispensation would allow members to submit nominations by mail or email, although in-person nominations at the September membership meeting will still be accepted in accordance with the Branch By-laws. In addition, the election will be conducted by mail ballot.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the revised procedures to be followed in nominating and electing officers and delegates is provided by mail to all active and retired member of the Branch.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

VINCENT MASE—NORTH HAVEN, CT, BRANCH 19

AUGUST 25, 2020 (7983)

This is in reply to your text message, received August 24, 2020, advising that Branch 19 may not be able to conduct its annual nominations meeting as scheduled in November due to the COVID-19 pandemic. You now ask for advice as to how to handle this situation.

The following discussion summarizes the advice we have been giving to Branches confronted with

this problem.

At the outset, the Office of Labor Management Standards of the Department of Labor has issued the following guidance with respect to local union elections:

The [Labor Management Reporting and Disclosure Act ("LMRDA")] requires that . . . officers of local labor unions not less often than every three years. Labor unions affected by COVID-19 must still make a good faith effort to conduct officer elections within LMRDA timeframes. . . . If OLMS receives a complaint regarding a union's ongoing failure to hold an election, and that failure was attributable to COVID-19, OLMS will promptly seek a voluntary compliance agreement with the union. The agreement would require the union to hold the election when practicable on a date certain. With such an agreement, OLMS will not seek a civil enforcement action based on the complaint, provided the election is held in conformance with the agreement.

Consistent with this guidance, we have advised that Branches may postpone scheduled nominations and elections without requesting dispensation from me to do so. Postponed nominations and elections should be rescheduled as expeditiously as possible.

However, we have also recognized that the pandemic may prevent some Branches from conducting normal elections of officers and delegates for an extended period of time. For example, Branches whose By-laws require that nominations and voting take place at scheduled Branch meetings will not be able to do so if in-person meetings are postponed indefinitely.

To address this situation, Branches should consider alternative procedures for conducting nominations and elections. For example, nominations may be submitted by mail or through video web conferencing (e.g. Zoom, WebEx, etc.). Elections could be conducted by mail ballot or at designated polling places.

Branches may submit to me requests for dispensation to implement alternative election procedures which would otherwise be inconsistent with their By-laws. Such procedures must comply with the Constitution and the NALC Regulations Governing Branch Election Procedures. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in developing alternative election procedures.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN CROSS—DAYTON, OH, BRANCH 182

AUGUST 27, 2020 (7990)

This is in reply to your letter, dated August 11, 2020, requesting dispensation allowing Branch 182 to conduct its election of officers and delegates in November by mail ballot, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is necessary because the Branch may not be able to conduct an in-person election meeting that would adhere to CDC and Ohio state guidelines concerning social distancing.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Con-

stitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in connection with this election is sent by mail to all members of the Branch.

I trust that the foregoing addresses your concerns.

ESTHER MARTINEZ—HAYWARD, CA, BRANCH 1707

AUGUST 28, 2020 (7991)

This is in reply to your letter, dated August 8, 2020, requesting dispensation permitting Branch 1707's nominations of officers and delegates to be conducted by web conference, rather than at a Branch meeting as provided by the By-laws. You also request dispensation permitting the election to be conducted by mail. These alternative procedures are required due to the limits on in-person meetings imposed by the state of California.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please note that whatever arrangements you make must comply with the NALC Constitution and Regulations Governing Branch Election Procedures. For example, you must make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all members of the Branch. You must also guarantee that every active and retired member has an opportunity to nominate a candidate for any office or position to be filled. If there is reason to believe that some members may not have the ability to participate in a virtual meeting, I would suggest that you provide members the option of submitting nominations in writing.

I trust that the foregoing addresses your concerns.

DAVID GROSSKOPF, JR.—BUFFALO, NY, BRANCH 3

AUGUST 28, 2020 (7993)

This is in reply to your email, sent August 27, 2020, in which you raise two additional questions relating to Branch 3's cancelled and upcoming meetings.

Your first question is whether members can be given credit for attending meetings that were cancelled for purposes of being eligible for payment for attending conventions. While I appreciate your concerns, I must advise that it would be inappropriate for me to decide this matter. The issue you describe can only be resolved by the Branch. The NALC Constitution does not address the question of payment to members for attending conventions or other union sponsored events. The Branch has discretion to enact whatever eligibility criteria it chooses for such payments. Thus, it is up to the Branch to determine whether to require attendance at a minimum number of meetings as a condition of receiving payment and also how to apply the relevant By-law language to specific situations.

Generally speaking, Branches may not take actions which conflict with their By-laws. However, I note that paragraph (b) of Article 12, Section 3 of the Branch 3 By-laws authorizes the members to vote to suspend the meeting attendance requirement. It would be inappropriate for me to rule on whether



this provision is broadly applicable to the present situation. Disputes over the meaning or application of by-law provisions must be addressed, in the first instance, at the Branch level.

In any event, I would be prepared to grant the Branch dispensation to waive the attendance requirement, if you conclude that there is no other way to handle this issue.

As to your second question, the Branch may vote to transact official Branch business, so long as a quorum is present. The mandatory exclusion of members due to New York State restrictions on the size of meetings could be a basis for an appeal challenging any Branch decisions by an excluded member. I cannot anticipate whether any such appeal would have merit.

I would recommend that the Branch consider using video web conferencing (e.g. Zoom, WebEx, etc.) to allow members who cannot be physically present to attend meetings. Many Branches are now utilizing this option. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in using this technology.

I trust that the foregoing addresses your concerns.

KORY ANN BATES—VINELAND, NJ, BRANCH 534

SEPTEMBER 3, 2020 (7998)

This is in reply to your letter, dated August 26, 2020, requesting that I appoint you to serve as President of Branch 534. According to your letter, the incumbent President has resigned.

According to your letter, you are now serving as the Vice President of the Branch. Therefore, you may assume the presidency of the Branch without intervention by the National Union. Article 6, Section 2 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) requires that the Vice President of the Branch succeed to the Presidency in the event that the President leaves office. The Vice President, upon becoming President, would then have the authority to fill the resulting vacancy in the office of Vice President by appointment, as provided by Article 4, Section 2 of the CGSFB, unless the Branch has enacted By-laws which provide an order of succession.

Accordingly, as I explained in an earlier letter to Brother Maldonado, you are now the President of the Branch. A copy of my letter is enclosed.

I trust that the foregoing addresses your concerns. Thank you for your diligent attention to this matter.

JAVIER CANALES—CAROLINA, PR, BRANCH 869

SEPTEMBER 3, 2020 (7999)

This is in reply to your letter, received by my office on August 31, 2020, requesting that I act to enforce a petition to remove the current shop stewards in the Carolina M.P.O. station and to have a new election of stewards. You assert that these actions are required by the Branch 869 By-laws, insofar as the petition has been signed by a majority of the members in good standing at the Carolina M.P.O. and submitted to Branch President Kennedy. According to your letter Brother Kennedy has refused to act on this petition, which is the second one he has rejected.

While I appreciate your concern, I must advise that it would be entirely inappropriate for me to

intervene in this matter at this time. Disputes over the application of Branch By-laws must be resolved, in the first instance, at the Branch level. The decision of the President not to act on your petition may be appealed to the Branch under Article 11, Section 1 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB.

This letter should not be read to express any view as to the interpretation of the Branch 869 By-laws or the merits of any appeal.

LANE HICE—BOULDER, CO, BRANCH 642

SEPTEMBER 3, 2020 (8003 & 8005)

This is in reply to your letter, dated September 2, 2020, concerning an appeal submitted to Branch 642 by Terry Daniels. By copy of this letter, I am also responding to an email from Brother Daniels, sent on September 1.

As I have stated in previous correspondence, it would be inappropriate for me to comment on the specific allegations set forth in the letter and email. The following discussion is intended to provide general guidance regarding appeal procedures under Article 11 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

Generally speaking, a Branch President may not refuse to allow the Branch to hear or process an appeal, even if the President believes the appeal is untimely. Accordingly, a ruling by the chair of a Branch meeting that an appeal is out of order would normally be subject to challenge at the Branch meeting so that the members could vote on the matter. The issue of timeliness may be raised during the debate on the appeal and may be decided by vote of the members.

There are no particular procedural requirements for submitting an appeal to the Branch from a decision by the President. The relevant Constitutional language is set forth in Article 11, Section 1 of the CGSFB:

An appeal may be taken to the President from the decision of any other officers of the Branch and to the Branch from any decisions of the President, which appeal must be taken at the meeting at which the subject appealed from is under consideration, and before any other business is taken up for action.

Accordingly, there is no requirement that an appeal be in writing or any requirement that an appeal that is written be read in its entirety, so long as the appellant is given a fair opportunity to present his case. The appeal must be taken up before any other business.

Article 11 of the CGSFB does not require that appeals be decided by secret ballot or by a 2/3 vote.

It would be inappropriate for me to comment on whether Brother Daniels complied with the conditions of reinstatement imposed by the Branch in its decision on the charges against him. As President of the Branch, you have the authority to make an initial ruling on this question. Your decision may be appealed to the Branch.

Members of the NALC retain their full constitutional rights, unless they have been expelled or suspended in accordance with the procedures set

forth in Article 10 of the CGSFB. It would not be appropriate for me to comment further on the status of Brother Daniels' membership.

A decision by the Branch to overturn a Branch President's decision to relieve a steward of representational duties would not necessarily preclude the President from exercising that authority in the future based on an unrelated issue. Any dispute over such a decision would be subject to appeal.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of the appeal.

ERNIE ARRANAGA—SAN JOSE, CA, BRANCH 193

SEPTEMBER 8, 2020 (8007)

This is in reply to your letter, dated September 3, 2020, requesting dispensation permitting Branch 193's nominations and election of officers and delegates to be submitted by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is required due to the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

MICHELLE DECKER—EVERETT, WA, BRANCH 791

SEPTEMBER 8, 2020 (8008)

This is in reply to your letter, received September 3, 2020, requesting dispensation permitting Branch 791 to conduct its election of Trustees and state convention delegates by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is required due to restrictions on the size of meetings imposed by the state of Washington.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

FREDDIE JACKSON—RICHARDSON, TX, BRANCH 4784

SEPTEMBER 10, 2020 (8009)

This is in reply to your letter, dated September 1, 2020, requesting dispensation permitting Branch 4784 to conduct all Branch meetings by ZOOM.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in conducting meetings is provided to all active and retired members.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

MALEAH SMITHAM—TACOMA, WA, BRANCH 130

SEPTEMBER 10, 2020 (8010)

This is in reply to your letter, dated September 1, 2020, requesting dispensation permitting Branch 130 to use alternative procedures to conduct nominations and the election of Branch officers and delegates. The dispensation would allow members to submit nominations directly to the Branch without a meeting. In addition, the election will be conducted at the Branch office without a meeting.

Your request is certainly reasonable in light of the ongoing coronavirus pandemic and the restrictions on meetings imposed by the state of Washington. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the revised procedures to be followed in nominating and electing officers and delegates is provided by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

FRANK SPATHANAS—SWAMPSCOTT, MA, BRANCH 7

SEPTEMBER 15, 2020 (8012)

This is in reply to your email, sent September 9, 2020, advising that Branch 7 has postponed its nominations and election of officers and delegates because it has been unable to hold Branch meetings due to the coronavirus pandemic. You now ask for advice as to how to handle this situation going forward.

The following discussion summarizes the advice we have been giving to Branches confronted with this problem.

At the outset, the Office of Labor Management Standards of the Department of Labor has issued the following guidance with respect to local union elections:

The [Labor Management Reporting and Disclosure Act ("LMRDA")] requires that . . . officers of local labor unions not less often than every three years. Labor unions affected by COVID-19 must still make a good faith effort to conduct officer elections within LMRDA timeframes. . . . If OLMS receives a complaint regarding a union's ongoing failure to hold an election, and that failure was attributable to COVID-19, OLMS will promptly seek a voluntary compliance agreement with the union. The agreement would require the union to hold the election when practicable on a date certain. With such an agreement, OLMS will not seek a civil enforcement action based on the complaint, provided the election is held in conformance with the agreement.

Consistent with this guidance, we have advised that Branches may postpone scheduled nominations and elections without requesting dispensation from me to do so. Postponed nominations and elections should be rescheduled as expeditiously as possible.

However, we have also recognized that the pandemic may prevent some Branches from conducting

normal elections of officers and delegates for an extended period of time. For example, Branches whose By-laws require that nominations and voting take place at scheduled Branch meetings will not be able to do so if in-person meetings are postponed indefinitely.

To address this situation, Branches should consider alternative procedures for conducting nominations and elections. For example, nominations may be submitted by mail or through video web conferencing (e.g. Zoom, WebEx, etc.). Elections could be conducted by mail ballot or at designated polling places. Branches may submit to me requests for dispensation to implement alternative election procedures which would otherwise be inconsistent with their By-laws. Such procedures must comply with the Constitution and the NALC Regulations Governing Branch Election Procedures.

Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in developing alternative election procedures. Brother Barner can also assist you in setting up meetings by ZOOM.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN CROSS—DAYTON, OH, BRANCH 182

SEPTEMBER 15, 2020 (8015)

This is in reply to your letter, dated September 14, 2020, requesting a ruling as to whether a member has been disqualified from being a candidate for office in Branch 182. According to your letter this individual sent an email to postal management expressing his interest in becoming a Labor Relations Specialist. Your letter indicates that the accepted practice in the Ohio Valley District to apply for a supervisory position is verbal.

Article 5, Section 2 of the Constitution for the Government of Subordinate and Federal Branches prohibits any member who holds, accepts, or applies for a supervisory position in the Postal Service from serving as a branch officer or steward for two years following termination of supervisory status. As a general principle, the prohibition set forth in Article 5, Section 2 covers any application for a supervisory position. It is not necessary that the member file a Form 991 or otherwise submit an application in writing. An oral or written expression of interest may or may not constitute an application for a supervisory position, depending on the circumstances. Local practices may be relevant.

It is for the Branch to determine, in the first instance, whether or not a member has in fact applied for a supervisory position. Normally, the Branch should investigate and, if necessary, discuss the situation with management to clarify whether the member's communication with management was considered an application for a supervisory position. If the Branch concludes that the member's communications with management were tantamount to an application for a supervisory position, then they would be disqualified from running for office.

I trust that the foregoing addresses your concerns.

MIKE BIRKETT—ST. LOUIS, MO, REGION 5

SEPTEMBER 15, 2020 (8016)

This is in reply to your email, in which you ask three questions pertaining to the upcoming election of officers in Branch 343.

Your first question is whether former Branch President Bill Lister is eligible to serve on the Branch Election Committee insofar as he has endorsed one of the candidates in the election. Regarding the composition of the Election Committee, the only relevant provision of the NALC Regulations Governing Branch Election Procedures (RGBEP) is Section 7.11, which states that "no candidate for any office can be appointed to the election committee." Previous rulings have also noted that members of a candidate's campaign committee should not be appointed to the Branch Election Committee.

However, there is no rule, or previous ruling, requiring that a member of an Election Committee must be disqualified for the sole reason that the committee member endorsed a candidate. In such circumstances, the committee would still be obliged to carry out its functions in a fair and even-handed manner. Nonetheless, if Brother Lister believes that his appointment would create an appearance of impropriety, he should decline the invitation to serve.

Your second and third questions concern the propriety of having an election contractor take responsibility for counting ballots and other duties of the committee specified in the Branch By-laws. Under Section 17 of the RGBEP, the Branch Election Committee has sole responsibility for the collection, opening, and counting of ballots. Nothing in the rules prohibits the Election Committee from retaining an election contractor to assist in all aspects of this process so long as the contractor remains under the Committee's supervision.

It would be up to the Branch to determine whether the use of an election contractor would be permissible under the By-laws. Of course, any expenditure of Branch funds to pay for a contractor would have to be authorized either by a provision in the By-laws or by vote of the members.

I trust that the foregoing addresses Brother Lister's concerns.

BRIAN OBST—LARGO, FL, BRANCH 599

SEPTEMBER 15, 2020 (8017)

This is in reply to your email, sent September 14, 2020, in which you request guidance as to the application of Article 11 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). Specifically you ask who is to prepare the Branch's response to an appeal to the National Committee on Appeals, since the original charges at issue were against the President of the Branch.

Article 11, Section 2 of the CGSFB requires that the Branch prepare a response to an appeal from a decision of the Branch and submit both the appeal and response to the Committee. The Constitution does not specify who is to prepare the Branch's response to an appeal.

Your email does not indicate whether the Branch voted to sustain or reject the charges against the President. If the charges were rejected the President may submit the Branch's response, although that task could be assigned to you.

If the Branch President is the party who has appealed the Branch's decision to the National Committee, or if the Branch President otherwise supports the appeal, then he or she cannot prepare the



Branch's response. The response must be prepared by a member who supports the Branch's decision.

In such circumstances, any officer who is not supporting the appeal may prepare the response. Accordingly, it would certainly be permissible for you to prepare the Branch's response.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of any pending appeal.

PHILIP SKIPPER—PENSACOLA, FL, BRANCH 321

SEPTEMBER 15, 2020 (8018)

This is in reply to your email, sent September 14, 2020 requesting guidance as to whether you may reschedule the September 15 regular Branch 321 meeting due to the possible impact of Hurricane Sally.

Please be advised that, as a general rule, Article 3, Section 1 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) requires that Branch meetings be held at the time prescribed by the Branch By-laws. However, previous rulings have recognized that meetings can be cancelled due to unforeseen circumstances, such as a weather emergency. In the absence of a By-law provision specifying an emergency procedure for canceling meetings, the Branch President may exercise his "general supervisory powers over the Branch" (CGSFB, Article 6, Section 1) to do so if in his judgment the meeting cannot be safely held. The rulings have also recognized that the Constitution does not require the Branch to make up meetings which were not held due to unforeseen circumstances.

The rescheduling of a meeting to a time not provided in the By-laws generally requires a grant of dispensation from the National President. In light of the circumstances set forth in your email, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 321 dispensation to reschedule its September meeting so long as timely notice of the new meeting can be provided to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN ODEGARD—ANN ARBOR, MI, BRANCH 434

SEPTEMBER 17, 2020 (8019)

This is in reply to your letter, dated September 10, 2020, requesting dispensation permitting Branch 434 to conduct its election of officers and delegates by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch. I trust that the foregoing addresses your concerns.

DANNY SANDERS—NEW ALBANY, IN, BRANCH 367

SEPTEMBER 17, 2020 (8024)

This is in reply to your letter, dated September 15, 2020, requesting dispensation permitting Branch 367 to conduct its nominations and election of officers and delegates by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

RON LESTER—BELLINGHAM, WA, BRANCH 450

SEPTEMBER 17, 2020 (8025)

This is in reply to your letter, dated September 10, 2020, requesting dispensation permitting Branch 450 to conduct its nominations of officers and delegates by mail, rather than at a Branch meeting as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

MANDY HANKINS—FLINT, MI, BRANCH 256

SEPTEMBER 28, 2020 (8041)

Your email to National Business Agent Troy Clark, sent September 24, 2020, has been referred to me for reply. Your email requests dispensation permitting Branch 256 to accept nominations for Branch officers and delegates at its October meeting even if a quorum is not present.

At the outset, I appreciate the difficulties in conducting meetings safely during the ongoing coronavirus pandemic. Your concern that a quorum may not attend an outdoor meeting in October is entirely reasonable, particularly in light of the poor attendance at the September meeting and restrictions imposed by the State of Michigan.

Nonetheless, I am not inclined to authorize the Branch to accept as official nominations made at a meeting at which a quorum is not present. Instead, I would ask that you reach out to your membership and encourage as many members as possible to attend the October meeting, *so long as they can do so safely*.

Please notify me immediately if the meeting fails for lack of a quorum. I am prepared to grant the Branch dispensation to postpone its nomination and election of officers and delegates. In addition, we can assist you in working out alternative procedures for conducting nominations and an election if that proves necessary.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ASHLEY BATTON—ALMA, GA, BRANCH 3637

OCTOBER 5, 2020 (8038)

This is in reply to your letter, dated September 11, 2020, advising that the President of Branch 3637, Alma, Georgia, has resigned. According to your letter, the Branch has only two active members and does not hold meetings. You now request that I designate you to act as President pending an election.

At the outset, your request does appear reasonable in light of the facts presented. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby authorize you to act as President of Branch 3637 on a temporary basis until such time as a special election can be conducted.

However, the facts set forth in your letter indicate that this Branch is not functioning as an NALC Branch. In similar circumstances, I have declared other NALC Branches defunct and transferred their members to another functioning Branch.

By copy of this letter, I am requesting that National Business Agent Lynne Pendleton contact potentially suitable Branches located near Branch 3637 and find out if they are potential candidates for taking over responsibility for representing the letter carriers in Alma.

In addition, before making a decision, I would like to be apprised of the current views of the Branch membership and whether alternative solutions are possible. After Sister Pendleton has identified a suitable Branch that would accept the letter carriers in Branch 3637, she or her designee should meet with them to discuss all the issues that have been raised and then advise me of her recommendations.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

SHAWN COLLERAN—REHOBOTH BEACH, DE, BRANCH 906

OCTOBER 5, 2020 (8040)

This is in reply to your letter, received by my office on September 23, 2020, requesting dispensation permitting Branch 906 to conduct its nominations of officers and delegates at a video meeting conducted by Webex or by mail, rather than at a Branch meeting as provided by the By-laws. In addition, if necessary, an election would be conducted by mail ballot. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

KATHLEEN WALTER—TUCSON, AZ, BRANCH 704

OCTOBER 5, 2020 (8042)

This is in reply to your email, sent September 24,

2020, requesting dispensation permitting Branch 704 to conduct its nominations of officers and delegates at a video meeting conducted by Webex, or by mail, rather than at an in-person Branch meeting as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

LAUREN TROMERHAUSER—NEW PHILADELPHIA, PA, BRANCH 711
OCTOBER 5, 2020 (8043)

This is in reply to your letter, dated September 19, 2020, requesting dispensation permitting Branch 711 to conduct a special election for the three elected positions in the Branch, namely President, steward, and Secretary-Treasurer. The special election for President is necessary because the elected President has resigned for health reasons. In addition, according to your letter, the incumbent Secretary-Treasurer is no longer eligible as a result of serving in a 204b position.

Under Article 6, Section 2 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB), the Vice President of a Branch is required to assume the office of President if the President resigns. Since Branch 711 does not have a Vice President, it does appear that a special election would be appropriate.

Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Branch 711 may conduct a special election of President for the remainder of the current term of office. After the election, the President may fill any remaining vacancies by appointment as provided by Article 4, Section 2 of the CGSFB. In particular, the President may appoint a new Secretary-Treasurer if the incumbent Secretary-Treasurer has been disqualified based on acceptance of a supervisory position.

I trust that the foregoing addresses your concerns.

FRANK QUARTARONE—REVERE, MA, BRANCH 7
OCTOBER 5, 2020 (8044)

This is in reply to your letter, dated September 29, 2020, requesting dispensation permitting Branch 7 to conduct its nominations of officers and delegates at a video meeting conducted by ZOOM in November, rather than at an in-person Branch meeting in October, as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a ZOOM meeting an opportunity to submit

nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

Your letter also seeks relief from the provision in the Branch By-laws requiring that delegates have attended eight of the ten Branch meetings during the year in order to qualify for funding. This request is also reasonable. Accordingly, I grant the Branch dispensation to set aside this By-law requirement and to vote on alternative criteria for delegates to receive funding. This is an issue over which the Branch has complete discretion. It may adopt any alternative criteria which the members prefer.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

HOLLY CURATOLO—VANCOUVER, WA, BRANCH 1104
OCTOBER 5, 2020 (8045)

This is in reply to your letter, dated September 23, 2020, requesting dispensation permitting Branch 1104 to conduct its Branch meetings by ZOOM, including nominations of officers and delegates at a video meeting conducted by ZOOM in October, rather than at an in-person Branch meeting, as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a ZOOM meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

PHILIP SKIPPER—PENSACOLA, FL, BRANCH 321
OCTOBER 5, 2020 (8046)

This is in reply to your email, sent September 30, 2020, concerning the Branch 321 meeting held on September 29, at which the members present voted on charges against you. By copy of this letter I am also responding to an email from Branch 321 member Tia Hill, sent September 29, concerning this matter.

According to your email, the Branch meeting in question was originally scheduled for September 22 but was postponed due to Hurricane Sally. The Branch sent written notice of the new date and time for the meeting which was supposed to be mailed to all stations and to the Branch's retiree members. However, you have discovered that the notice was not received at one station and was never sent to the retirees. You now ask whether it would be appropriate to conduct a second vote on the charges at the Branch's October meeting.

I am treating your email as a request for dispensation. In accordance with my authority under Article 9, Section 1 of the Constitution, I hereby grant Branch

321 dispensation to conduct a new vote on the charges against you at the upcoming October meeting. Please make sure that appropriate notice of this vote is provided to all active and retired members as set forth in your letter.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

PETER JABLANSKI—PASCAGOULA, MS, BRANCH 2241
OCTOBER 5, 2020 (8048)

This is in reply to your letter, dated September 24, 2020, inquiring whether 204b members may attend Branch meetings.

The membership rights of 204b members are addressed by Article 2, Section 1(c) of the NALC Constitution, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance.[]

Previous rulings interpreting this provision have established that a 204b may not exercise membership rights or otherwise participate in official Branch activities while he or she is acting in a supervisory status. Thus, a member in 204b status does not have a right to attend a Branch meeting, except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues. However, the rulings have also consistently recognized that when the member returns to a bargaining unit assignment, he or she immediately regains full membership rights, including the right to attend meetings, except for the right to be a candidate for Branch office.

Apart from the foregoing, rulings have recognized that Branches may permit a member in supervisory status to attend a Branch meeting as a non-participating guest. The members in attendance are free to allow a supervisor to attend the meeting as a guest, but are not required to do so.

I trust that the foregoing addresses your concerns.

DAVID STURM—AKRON, OH, BRANCH 148
OCTOBER 7, 2020 (8053)

This is in reply to your letter, dated September 29, 2020, requesting dispensation permitting Branch 148 use an alternative procedure for nominating state convention delegates if it is unable to hold an in person Branch meeting in November due to COVID-19 restrictions. In that event, the Branch would publish a nomination form in its December



newsletter, which members could return by mail by January 15.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

PHILLIP DUFEK—PHOENIX, AZ, BRANCH 576
OCTOBER 13, 2020 (8060)

This is in reply to your email, sent October 7, 2020, inquiring whether a member of Branch 576 has been disqualified from serving as a shop steward. According to your email, during the past two years, Brother Joseph Nieves accepted management's appointment as Safety Ambassador. In the performance of these duties, he accompanied Management and participated in the completion of PS4584 forms on rural carriers.

At the outset, I cannot rule on this situation based on the limited facts set forth in your email. I can provide the following guidance.

Article 5, Section 2 of the Constitution for the Government of Subordinate and Federal Branches provides that a member who holds, accepts, or applies for a supervisory position is not eligible to hold any office in the Branch for a period of two years. Generally speaking, a position is considered supervisory, within the meaning of Article 5, Section 2, if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties.

It will be your responsibility, as Branch President, to investigate this situation and make the final determination as to whether the position in question carries supervisory authority. If necessary you may discuss the matter with management. If you conclude that the Safety Ambassador position did not entail supervisory authority, then Brother Nieves would not be disqualified from serving as a steward.

I trust that the foregoing addresses your concerns.

CATHERINE BODNAR—HIGHLAND, IN, BRANCH 580

OCTOBER 13, 2020 (8061)

This is in reply to your email, sent October 8, 2020, concerning the upcoming merger of Branch 508 with four other branches in northwest Indiana. According to your email, four of the five branches have already approved the merger and the fifth will vote on November 4. You now ask for clarification of the time line for conducting an election of officers for the merged branch in accordance with the merger agreement.

Please be advised that a favorable merger vote is not sufficient, by itself, to allow the new merged Branch to conduct an election. Rather, the vote in favor of a merger resolution merely serves to authorize the Branch to submit an application for merger to the National President. Article 2, Section 3(f) of the NALC Constitution sets forth the following requirements for merger applications:

[A]n application to the President of the NALC [must be] signed by the President and Secretary of each Branch proposing to merge [and must contain] the following: a copy of the resolution adopted by each Branch; a certification by each Branch Secretary of the vote of his/her Branch, including the date and place of its meeting, the number of its eligible voters, and the number of affirmative votes cast; and a statement of the reasons for desiring the merger.

A merger does not become final until the application has been approved by the National President and appropriate notification is sent to the merging Branches by the National Union. At that point the election process may be initiated. Accordingly, if the merging Branches submit the proper paperwork expeditiously, it may be possible to begin the election process in December, as suggested in your letter.

In response to your second question, once the merger is approved you may send the new By-laws to the National Committee of Laws for review and approval.

I trust that the foregoing addresses your concerns.

PETER O'KEEFE—MIDDLEBORO, MA, BRANCH 18

OCTOBER 13, 2020 (8062)

This is in reply to your email, sent October 9, 2020, requesting guidance as to whether meetings that have been cancelled due to the COVID 19 pandemic may be counted as monthly called meetings within the meaning of the Branch 18 By-laws. I am assuming that this issue pertains to the Branch's policies for paying officers, stewards, and/or convention delegates.

While I appreciate your concerns, I must advise that it would be inappropriate for me to intervene in this matter. The issue you describe can only be resolved by the Branch. The NALC Constitution does not address the question of payment to officers, stewards, or delegates. The Branch has discretion to enact whatever eligibility criteria it chooses for such payments. For example, it is up to the Branch to determine whether to require attendance at a minimum number of meetings as a condition of receiving payment and also how to apply the relevant By-law language to specific situations. Likewise, the Branch is free to accept or deny justifications for non-attendance (such as cancellation of meetings due to the pandemic) under the relevant provisions of its By-laws.

The Branch may certainly amend its By-laws to address the situation described in your email. If necessary, I would favorably consider a request from the Branch to be relieved of any requirements imposed by its By-laws due to the pandemic.

I trust that the foregoing, at least in part, addresses your concerns.

RAY HILL—CHATSWORTH, CA, BRANCH 2902
OCTOBER 15, 2020 (8068)

This is in reply to your letter, dated October 6, 2020, requesting dispensation permitting Branch 2902 to conduct its nominations of officers and delegates at its video meetings in December and January, which will be conducted by ZOOM. Members will also have the option of submitting nominations by mail, rather than at a Branch meeting as provided

by the By-laws. In addition, the election would be conducted by mail ballot in February, and the installation in March, rather than the dates provided by the Branch By-laws. This alternative procedure is required due to the postponement of the regular nominations and election which was authorized by my ruling of March 18.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that the notice of the procedures to be followed in nominating and electing officers and delegates is published in a timely manner, as stated in your letter.

I trust that the foregoing addresses your concerns. Thank you for your good wishes and for bringing this matter to my attention.

JANE GRANT—BRIGHTON, MI, MICHIGAN STATE ASSOCIATION OF LETTER CARRIERS
OCTOBER 19, 2020 (8069)

This is in reply to your letter, dated October 12, 2020, concerning the cancellation of the Michigan State Association of Letter Carriers 2021 convention due to the COVID-19 pandemic. According to your letter, the State Association is considering conducting an election of officers in May 2021 using ZOOM and mail in ballots. You now ask whether delegates to the 2019 Convention will be eligible to vote in this election if their Branches were unable to conduct delegate elections for the 2021 Convention.

The answer to your question is yes. On March 18, I granted all Branches dispensation to postpone all nominations and elections. This included nominations and elections of national and state convention delegates. Until such time as the Branch is able to conduct a new election, incumbent officers and delegates remain in office.

Please note however, that I am prepared to grant dispensation to Branches permitting them to use alternative election procedures at any time. Such dispensation would permit Branches in Michigan to conduct new delegate elections at any time prior to the May 2021 state election. Branches may contact Assistant Secretary-Treasurer Paul Barner for advice on alternative election procedures.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

MOSES BOLAR, JR.—JACKSON, MS, BRANCH 217

OCTOBER 20, 2020 (8070)

This is in reply to your letter, dated October 9, 2020, requesting dispensation permitting Branch 217 to postpone its election of officers from December 2020 to December 2021. According to your letter, the Branch is unable to secure a facility large enough to conduct the election while maintaining the social distancing which is necessary during the ongoing COVID-19 pandemic.

On March 18, I granted all Branches dispensation to postpone all nominations and elections. Until such time as the Branch is able to conduct a new election, incumbent officers and delegates remain in office. Additional dispensation is not necessary.

However, we have recommended that Branches consider alternative procedures for conducting nom-

inations and elections. For example, nominations may be submitted by mail or through video web conferencing (e.g. Zoom, WebEx, etc.). Elections could be conducted by mail ballot or at designated polling places.

Branches may submit to me requests for dispensation to implement alternative election procedures which would otherwise be inconsistent with their By-laws. Such procedures must comply with the Constitution and the NALC Regulations Governing Branch Election Procedures. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in developing alternative election procedures.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**TONY PAOLILLO—FRESH MEADOWS, NY, BRANCH 294
OCTOBER 20, 2020 (8072)**

This is in reply to your letter, dated October 13, 2020, requesting dispensation permitting members of Branch 294 to submit nominations by teleconference at the Branch's October meeting.

Your request is certainly reasonable in light of the continuing safety issues arising from the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thanks you for bringing this matter to my attention and for your good wishes and support.

**DAVID GROSSKOPF, JR.—CHEEKTOWAGA, NY, BRANCH 3
OCTOBER 20, 2020 (8075)**

This is in reply to your email, sent October 14, 2020, in which you raise several issues arising from the lack of a quorum at recent Branch 3 meetings, including the meeting on October 13 at which the Branch was required to conduct its nominations for delegates to the New York State Association Convention.

Article 3 of the Constitution for the Government of Subordinate and Federal Branches contains the basic provisions governing Branch meetings. Section 4 of Article 3 states that "The Branch shall be called to order at the time prescribed in the by-laws if a quorum be present." Previous rulings have recognized that this language requires that a quorum be present before any Branch meeting may be called to order. In addition, the rulings have also noted that, as a general rule, no official Branch business should be conducted at a meeting at which a quorum is not present.

I cannot provide an exhaustive definition of all the possible actions that can be taken at a Branch meeting that would constitute official business. Generally speaking, in the absence of a quorum, the Branch cannot adopt binding resolutions, conduct nominations nor elections, or authorize the expenditure of Branch funds.

Please note that the above comments address only the requirements provided by the NALC Constitution. It is your obligation to interpret any additional provisions which may be set forth in the Branch 3 By-laws.

I am prepared to grant dispensation to Branch 3 permitting you to use alternative procedures to

nominate and elect delegates. For example, I could grant dispensation allowing any nominations made at the October meeting to be recognized, so long as other members are given an opportunity to submit nominations by alternative means, such as by mail after appropriate notice or at a subsequent meeting at which a quorum is present.

I would also be prepared to grant the Branch dispensation to vote on the proposed merger referenced in your email by mail or at a virtual meeting using video web conferencing. As I noted in my previous letter, many Branches are now utilizing this option. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in using this technology.

This leaves the issue of the needed repairs to the front steps of the Branch building. In light of the safety concerns described in your letter, and the potential for Branch liability for an accident, I am exercising my authority under Article 9, Section 1 of the NALC Constitution to grant the Branch 3 Executive Board dispensation to authorize whatever expenditure is reasonably necessary to repair the steps. The expenditure should be reported to the members as soon as the Branch is able to convene a meeting with a quorum.

I trust that the foregoing addresses your concerns.

**B.J. HANSEN—SEATTLE, WA, BRANCH 79
OCTOBER 20, 2020 (8076)**

This is in reply to your letter, dated October 16, 2020, requesting dispensation authorizing Branch 79, by vote of the members, to waive the meeting attendance provisions of its By-laws for National and State Convention delegates to receive compensation and expense reimbursement. Your request is based on the Branch's cancellation of six meetings this year due to the COVID-19 pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**LANICOLE KELLY—ANNAPOLIS, MD, BRANCH 651
OCTOBER 28, 2020 (8077)**

This is in reply to your letter, dated October 23, 2020, requesting dispensation permitting Branch 651 to conduct its nominations of officers and delegates at a video meeting, rather than at an in-person Branch meeting in October, as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic. You also request dispensation to conduct the election by mail-in ballot.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a video meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**REGAL PHILLIPS—DECATUR, GA, BRANCH 73
OCTOBER 30, 2020 (8088)**

This is in reply to your letter, dated October 16, 2020, concerning Branch 73's recent agreement with the Department of Labor to conduct a new mail ballot election for Treasurer and one Trustee. According to your letter, the Branch has not been able to conduct in-person meetings due to the COVID-19 pandemic and is not yet ready to conduct meetings by video conference. You now request guidance as to how the Branch may authorize the expenditure of Branch funds to pay for the printing and mailing of ballots and other expenses related to the election.

In light of the facts set forth in your letter, I am exercising my authority under Article 9, Section 1 of the NALC Constitution to grant the Branch 73 Executive Board dispensation to authorize whatever expenditure of Branch funds may be reasonably necessary to conduct the election in accordance with the agreement with the Department of Labor. The expenditure should be reported to the members as soon as the Branch is able to convene a meeting with a quorum.

I trust that the foregoing addresses your concerns.

**TRAVIS KLEMP—FORT DODGE, IA, BRANCH 645
OCTOBER 30, 2020 (8089)**

This is in reply to your letter, dated October 20, 2020, advising that Branch 645 did not have a quorum at its meeting on October 13 at which the Branch was required to conduct its nominations for officers and delegates. The election is scheduled for December. You now request guidance.

I am prepared to grant dispensation permitting you to use alternative procedures to nominate and elect officers and delegates. For example, I could grant dispensation allowing nominations to be conducted at a later meeting at which a quorum is present or to be conducted by alternative means, such as by mail after appropriate notice.

I would also be prepared to grant the Branch dispensation to conduct a virtual nominations meeting using video web conferencing. Many Branches are now utilizing this option. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in using this technology.

I trust that the foregoing addresses your concerns.

**LAURA STURGEON—DECATUR, IL BRANCH 317
OCTOBER 30, 2020 (8089)**

This is in reply to your letter, received by my office on October 27, 2020, requesting dispensation permitting Branch 317 to postpone its nomination of state convention delegates from October to the January, 2021 meeting. According to your letter, this request is necessitated by the fact that the Branch did not have a quorum at its October meeting.

At the outset, it may not be necessary to postpone nominations to January as suggested in your letter. Article 5, Section 4 of the NALC Constitution for the Government of Subordinate and Federal Branches and Section 5.1 of the NALC Regulations Governing Branch Election Procedures (RGBEP) require that a notice of nominations and election be sent by mail



to each member of the Branch 45 days before the election, not 45 days before nominations. Section 6.1 of the RGBEP provides that the notice of nominations must be sent out 10 days before the date nominations are held. Accordingly, it may be possible for the Branch to mail a timely notice of nominations that will allow it to conduct nominations at an earlier meeting.

In any event, your request for dispensation is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution I hereby grant Branch 317 dispensation to postpone its nominations of state delegates to a meeting in November, December, or January so long as appropriate notice is provided by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

**MIKE SMITH—BALTIMORE, MD, BRANCH 176
OCTOBER 30, 2020 (8091)**

This is in reply to your recent letter, received by my office on October 28, 2020, requesting dispensation permitting Branch 176 to pay an upfront charge to Verizon to obtain a new contract that will significantly reduce your monthly bills. According to your letter, the Branch has not been able to conduct meetings due to the COVID-19 pandemic.

Please be advised that dispensation is not necessary. In March I granted dispensation permitting Branches to postpone meetings indefinitely due to the pandemic without requesting dispensation from me. My letter of March 18 advised that Branches could expend funds to meet required expenses such as utility bills. The expenditure described in your letter meets this definition and is, therefore, permissible.

I would also encourage you to consider holding virtual Branch meetings using video web conferencing. Many Branches are now utilizing this option. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in using this technology.

I trust that the foregoing addresses your concerns.

**HAROLD TRIMM—MILLPORT, AL, BRANCH 1692
NOVEMBER 2, 2020 (8086)**

This is in reply to your email, sent October 26, 2020, requesting dispensation permitting Branch 1692 to postpone its nominations and election by one month. According to your email, this request is necessitated by the fact that the Branch did not send a notice of nominations and election to the members in time to permit nominations to take place in November, as provided by the By-laws.

Given the circumstances, your request for dispensation is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution I hereby grant Branch 1692 dispensation to postpone its nominations of officers and delegates to a meeting in December so long as appropriate notice is provided by mail to all active and retired members of the Branch. The election should be conducted in January.

I trust that the foregoing addresses your concerns. Please understand that this dispensation applies only to the 2020 election. In the future, the Branch must comply with the provisions of its By-laws governing the timing of nominations and elections.

MARK DEBELTS—SIOUX FALLS, SD, BRANCH 491

NOVEMBER 2, 2020 (8087)

This is in reply to your letter, dated October 27, 2020, requesting dispensation permitting members of Branch 491 to conduct its nominations meeting, as well as future Branch meetings, by ZOOM or Webex. According to your letter, the Branch cannot convene in-person meetings due to the coronavirus pandemic.

Your request is certainly reasonable in light of the continuing safety issues the Branch is facing. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a video meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thanks you for bringing this matter to my attention. Please convey my best wishes for a swift recovery to those members who have contracted the virus.

**SION ODOM—LINCOLN, NE, BRANCH 8
NOVEMBER 3, 2020 (8095)**

This is in reply to your letter, received by my office on November 2, requesting dispensation permitting Branch 8 to conduct its nominations meeting by ZOOM and its election by mail ballot, rather than at in-person meetings as provided by its By-laws. According to your letter, the Branch cannot convene in-person meetings due to the coronavirus pandemic.

Your request is certainly reasonable in light of the continuing safety issues the Branch is facing. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a video meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DEBBIE MATYGA—GREENSBORO, NC, BRANCH 630

NOVEMBER 3, 2020 (8096)

This is in reply to your email, sent November 2, 2020, advising that Branch 630 is having its first virtual meeting this Thursday, November 5, 2020. At that meeting, the Branch will accept nominations for a Trustee position as well as for stewards and 2021 State Convention delegates. According to your email, the Branch has published a notice in its newsletter that it would be accepting nominations during the virtual meeting. You have also sent a letter to all members informing them of how to sign on to the Webex meeting and again information about the nomination process.

Your email inquires whether this procedure is acceptable since there is no authorization for it in the Branch By-laws. Given the circumstances, I am treating your email as a request for dispensation permitting the Branch to conduct nominations at the November 5 virtual meeting. Since it appears that the Branch has provided notice to the membership, such dispensation is appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 630 dispensation to implement nominations procedure outlined in your email.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**CARL JENKINS, JR.—NEW ORLEANS, LA, BRANCH 2730
NOVEMBER 3, 2020 (8097)**

This is in reply to your recent letter, received by my office on November 3, 2020, concerning the election of officers in Branch 2730. According to your letter, the Election Committee erroneously left off the ballot a nominee for convention delegate and two nominees for Financial Secretary. You now ask what the Branch should do.

At the outset, the limited facts set forth in your letter indicate that the election for convention delegate and Financial Secretary will have to be re-run with a corrected ballot. However, your letter does not set forth any reason why the election should not go forward with respect to any other offices or positions on the ballot which were not affected by these errors.

By copy of this letter, I am asking your National Business Agent Steve Lassan to provide the Branch with any assistance it may need in conducting a re-run election.

I trust that the foregoing addresses your concerns. This letter should not be read to express any views as to any other issues that may be raised or the merits of any post-election appeal.

**MARK BARE—GRAHAM, NC, BRANCH 2262
NOVEMBER 9, 2020 (8105)**

This is in reply to your letter, dated October 24, 2020, requesting dispensation permitting Branch 2262 to conduct its nominations of delegates to the North Carolina State Association Convention at its virtual meeting in November, rather than at in-person meetings as provided by its By-laws. According to your letter, the Branch cannot convene in-person meetings due to the COVID-19 pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a video meeting an opportunity to submit nominations by alternative means, such as by mail.

In response to your second question, please contact Assistant Secretary-Treasurer Paul Barner for advice on alternative procedures for conducting the election of delegates. If necessary, this letter constitutes dispensation to conduct the election by mail in ballot.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**JIM MOULTON—AURORA, IL, BRANCH 219
NOVEMBER 9, 2020 (8107)**

This is in reply to your letter, dated October 27, 2020, requesting dispensation permitting Branch 219 to cancel its November and December meetings, at which it is scheduled to conduct its nominations and election of officers and delegates. The cancellations would occur if local restrictions on in-person meetings are imposed in response to a recent surge in COVID-19 cases.

Please be advised that dispensation is not necessary. In March I granted dispensation permitting Branches to postpone meetings indefinitely due to the pandemic without requesting dispensation from me. This dispensation authorizes Branches to postpone nominations and elections, as well as the installation of new officers.

Your suggestion that the Branch would conduct nominations and the election by mail, if the meetings are cancelled, is certainly reasonable. Please advise me if the meetings are cancelled, and I will grant whatever dispensation may be necessary to allow the Branch to implement alternative procedures for conducting nominations and the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**MARC THOMAS—BLOOMINGTON, IL, BRANCH 522
NOVEMBER 9, 2020 (8108)**

This is in reply to your letter, received by my office on November 5, 2020, requesting dispensation permitting Branch 522 to postpone its nominations and election of officers and delegates until such time as it can conduct in-person meetings. According to your letter, the Branch cannot hold meetings due to restrictions imposed by the Governor of Illinois.

Please be advised that dispensation is not necessary. In March I granted dispensation permitting Branches to postpone meetings indefinitely due to the pandemic without requesting dispensation from me. This dispensation authorizes Branches to postpone nominations and elections, as well as the installation of new officers.

The Branch should also consider conducting virtual meetings using video web conferencing. Many Branches are now utilizing this option. Assistant Secretary-Treasurer Paul Barner may be contacted for advice or assistance in using this technology.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**KIMTRA LEWIS—DALLAS, TX, BRANCH 132
NOVEMBER 12, 2020 (8106)**

This is in reply to your letter, dated October 27, 2020, requesting dispensation authorizing the Branch 132 Executive Board to approve the Branch's 2021 budget without a vote of the members. According to your letter, the Branch has been conducting its monthly meeting by ZOOM, and you anticipate that conducting a vote on the budget will be difficult.

While I appreciate your concern, I am reluctant to grant your request. The NALC Constitution requires that all expenditures by the Branch must be approved by vote of the members. Article 12,

Section 3 of the Constitution for the Government of Subordinate and Federal Branches expressly states that all Branch funds "shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting."

I have granted dispensation permitting Branch Executive Boards to authorize payments for routine monthly expenses and emergency repairs. But the Branch should make every effort to have the members approve an annual budget.

I have been advised that ZOOM has a feature that allows votes of the participants to be taken and tallied. I recognize that this feature does not provide for secrecy as would be necessary in an election of officers. However, a secret ballot is not required for a vote on a budget.

Please feel free to contact Assistant Secretary-Treasurer Paul Barner for advice on technical issues relating to ZOOM.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

**JOHN TRIMARCO—MELROSE PLACE, IL, BRANCH 2183
NOVEMBER 13, 2020 (8109)**

This is in reply to your email, sent November 12, 2020, in which you raise several issues pertaining to the ongoing election of officers in Branch 2183.

The information in your email does suggest that the nominations and election have not been conducted in accordance with the Branch By-laws and the NALC Regulations Governing Branch Election Procedures (RGBEP). For example, the email indicates that, because of the COVID pandemic, a quorum may not have been present at the October meeting at which candidates apparently were nominated. Previous rulings have recognized that, as a general rule, no official Branch business, including nominations or elections, should be conducted at a meeting at which a quorum is not present.

In addition, your email indicates that an Election Committee may not have been properly appointed. Section 7.1 of the RGBEP states that the Election Committee must be appointed by the Branch President, or other body as provided by the Branch By-laws.

I am prepared to grant dispensation to Branch 2183, permitting you to use alternative procedures to nominate and elect delegates. For example, I could grant dispensation allowing any nominations made at the October meeting to be recognized, so long as other members are given an opportunity to submit nominations by alternative means, such as by mail after appropriate notice or at a subsequent meeting at which a quorum is present. I also would be prepared to authorize the Branch to conduct a new mail ballot election.

I strongly recommend that you contact Assistant Secretary-Treasurer Paul Barner. He can assist you in working out a plan for an alternative nominations and election process which could then be presented to me for approval.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

FRANK MOFFITT—GARLAND, TX, BRANCH 3993

NOVEMBER 17, 2020 (8079)

This is further reply to Brother Brantley's protest of the conduct of the recent vote to merge with Branch 4065.

I have reviewed your response to the appeal, received by my office on November 12, along with the statements of other members which you submitted in support of the Branch's position. The evidence before me shows that there was no tampering with the ballots received by the Branch and that the ballots were properly counted. There is no evidence of any other improprieties.

Accordingly, I conclude that no substantial complaint has been presented within the meaning of Article 2 Section 3(i) of the NALC Constitution. The merger of Branches 3993 and 4065 may now be implemented.

Thank you for your prompt response.

CARLOS VILLALOBOS—MESA, AZ, BRANCH 1902

NOVEMBER 17, 2020 (8115)

This is in reply to your letter, dated November 13, 2020, requesting dispensation permitting Branch 1902 to conduct a special election to fill certain vacant officer positions using procedures that will deviate from the Branch By-laws.

According to your letter, Article V, Section 5 of the By-laws provides that for a special election to fill vacancies, nominations and the election are to take place at the same meeting. However, due to the COVID-19 pandemic, the Branch is presently conducting its meetings by Webex, with limited participation. You now request dispensation to have nominations at the March meeting and the election, if necessary, at the April meeting. Members who do not wish to attend the April meeting will be able to vote by absentee ballot or on the day of the April meeting.

Your request is certainly reasonable in light of the circumstances presented. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 1902 dispensation to conduct nominations and a special election for vacant officer positions in accordance with the procedures outlined in your letter.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**TED MEYER—QUINCY, IL, BRANCH 216
NOVEMBER 25, 2020 (8122)**

This is in reply to your letter, received by my office on November 24, requesting dispensation permitting Branch 216 to postpone its nominations and election by 45 days, and to allow the Branch to conduct both its nominations and election by mail. According to your letter, the Branch cannot convene in-person meetings due to limitations imposed by the Governor of Illinois.

Your request is certainly reasonable in light of the circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominat-



ing and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN TRIMARCO—MELROSE PARK, IL, BRANCH 2183

NOVEMBER 25, 2020 (8123)

This is in reply to your letter, dated November 25, 2020, concerning the election of officers in Branch 2183. In light of the issues discussed in previous correspondence, you now request dispensation permitting the Branch to accept additional nominations by telephone and to conduct a new election under the direction of a new election committee which you will appoint. The new election will be conducted by mail ballot, notwithstanding the provisions of the Branch By-laws which provide that the election will be at an in-person meeting.

Your request is certainly reasonable in light of the circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

PHILIP SKIPPER—PENSACOLA, FL, BRANCH 321

DECEMBER 1, 2020 (8128)

This is in reply to your email, sent December 1, 2020, requesting dispensation permitting Branch 321 to postpone the vote on charges against you until the Branch's meeting in January. According to your letter, the Branch's Executive Vice President was delayed in appointing the investigating committee due to illness, and, because of the late appointment, the committee may not be able to complete its report in time for a vote at the meeting on December 8, 2020.

The facts set forth in your email do not indicate that dispensation from me is necessary. Article 10, Section 1 of the Constitution for the Government of Subordinate and Federal Branches does provide that the vote on charges is to take place at "the next regular Branch meeting after which said charges were read to the Branch." However, Article 10, Section 1 also provides that "[t]he vote . . . may be continued once, by motion, to the following regular Branch meeting."

Thus, the Branch is constitutionally authorized to postpone the vote until the January meeting. Dispensation from me may be requested if additional time is needed.

I trust that the foregoing addresses your concerns.

AGUSTIN LORENZO, JR.—OCALA, FL, BRANCH 1103

DECEMBER 1, 2020 (8129)

This is in reply to your letter, dated November 18, 2020, concerning the nomination of officers in Branch 1103. According to your letter, the Branch conducted nominations as scheduled at its November meeting, but a quorum was not present. You now ask for guidance as to how to proceed.

Article 3 of the Constitution for the Government of Subordinate and Federal Branches contains the basic provisions governing Branch meetings. Section 4 of Article 3 states that "The Branch shall be called to order at the time prescribed in the by-laws if a quorum be present." Previous rulings have recognized that this language requires that a quorum be present before any Branch meeting may be called to order. In addition, the rulings have also noted that, as a general rule, no official Branch business should be conducted at a meeting at which a quorum is not present. Accordingly, in the absence of a quorum, the Branch should not conduct nominations or elections.

I am prepared to grant dispensation to Branch 1103, permitting you to use alternative procedures to conduct nominations and an election. For example, I could grant dispensation allowing any nominations made at the November meeting to be recognized, so long as other members are given an opportunity to submit nominations by alternative means, such as by mail after appropriate notice or at a subsequent meeting at which a quorum is present. I also would be prepared to authorize the Branch to postpone any election that may be required and to use alternative procedures, if necessary, to conduct the election.

I strongly recommend that you contact Assistant Secretary-Treasurer Paul Barner. He can assist you in working out a plan for an alternative nominations and election process which could then be presented to me for approval.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID GROSSKOPF, JR.—BUFFALO, NY, BRANCH 3

DECEMBER 4, 2020 (8134)

This is in reply to your email, sent December 3, requesting dispensation permitting Branch 3 to conduct its nominations in March 2021 by mail, rather than at an in-person meeting, as required by its By-laws. According to your email, the Branch has not been able to have a quorum at its recent meetings due to the COVID pandemic.

Your request is certainly reasonable in light of the circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Branch may implement the procedures outlined in your email.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is published in *The Postal Record*, as stated in your email, or otherwise sent by mail to all active and retired members.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ROBERT KUMINECZ, JR.—SOUTH BEND, IN, BRANCH 330

DECEMBER 9, 2020 (8135)

This is in reply to your letter, dated November 30, 2020, requesting dispensation permitting Branch 330 to use the Branch's new ZOOM account to conduct an election for one Trustee position.

I am prepared to grant dispensation permitting

you to use an alternative procedure to nominate and elect a Trustee. However, your letter does not provide sufficient information as to how the Branch intends to conduct nominations and how it will ensure that members may vote by secret ballot. I cannot act on your request without these details.

Please contact Assistant Secretary-Treasurer Paul Barner. He can assist you in working out a plan for an alternative nominations and election process which could then be presented to me for approval.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

VINCENT MASE—NORTH HAVEN, CT, BRANCH 19

DECEMBER 11, 2020 (8137)

This is in reply to your letter, dated December 5, 2020, concerning problems that may prevent Branch 19 from conducting timely nominations and an election of Branch officers. According to your letter, the Branch has been unable to conduct in-person meetings since February due to the ongoing pandemic and you anticipate that the State of Connecticut will be imposing limits on in-person gatherings.

I am prepared to grant dispensation permitting you to use an alternative procedure to nominate and elect Branch officers and delegates. However, before doing so, I will need to know how the Branch intends to conduct nominations and how it will ensure that members may vote by secret ballot.

Please contact Assistant Secretary-Treasurer Paul Barner. He can assist you in working out a plan for an alternative nominations and election process which could then be presented to me for approval.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JAMES MATTHEWSON—ROCKY MOUNT, NC, BRANCH 1321

DECEMBER 11, 2020 (8139)

This is in reply to your letter, dated December 2, 2020, requesting dispensation permitting Branch 1321 to conduct a special election of Branch officers at the end of January. According to your letter, the Branch has been unable to appoint an Election Committee because several employees, including yourself, are out due to COVID related conditions.

I am prepared to grant dispensation permitting the Branch to postpone its regular election and to use an alternative procedure to nominate and elect Branch officers and delegates. However, before doing so, I will need to know how the Branch intends to conduct nominations and how it will ensure that members may vote by secret ballot.

Please contact Assistant Secretary-Treasurer Paul Barner. He can assist you in working out a plan for an alternative nominations and election process which could then be presented to me for approval.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID EVANSON—ROCHESTER, MN, BRANCH 440

DECEMBER 11, 2020 (8140)

This is in reply to your letter, dated December 1, 2020, concerning problems that are preventing Branch 440 from conducting timely nominations and an election of Branch officers. According to your

letter, the Branch was unable to conduct official meetings in October and November because there wasn't a quorum. The reasons include members being required to work overtime and newer members' apparent lack of interest in attending.

I appreciate your concerns and frustrations. However, the Branch cannot simply roll over the terms of the incumbent officers, as suggested in your letter. Both the NALC Constitution and federal law require an election.

I am prepared to grant dispensation permitting the Branch to postpone its regular election and to use an alternative procedure, if necessary, to nominate and elect Branch officers and delegates. However, before doing so, I will need to know how the Branch intends to conduct nominations and how it will ensure that members may vote by secret ballot.

Please contact Assistant Secretary-Treasurer Paul Barner. He can assist you in working out a plan for an alternative nominations and election process which could then be presented to me for approval.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

WILLIAM BARNES—VALLEYVIEW, OH, BRANCH 40

DECEMBER 15, 2020 (8141)

This is in reply to your letter, dated December 7, requesting dispensation permitting Branch 40 to conduct its nominations at the Pipe Fitters Hall on January 8 in the event that the Branch cannot convene its regular in-person meeting on that date due to COVID related limitations that may be imposed by the State of Ohio.

Your request is certainly reasonable in light of the circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Nominations may be conducted in accordance with the procedures described in your letter.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention. In addition, I would encourage you to contact Assistant Secretary-Treasurer Paul Barner for advice on how the Branch may conduct upcoming meetings using video conferencing platforms.

JEFFREY WAGNER—JUPITER, FL, BRANCH 1690

DECEMBER 15, 2020 (8142)

This is in reply to your email, sent December 11, 2020, raising two questions arising from the recent election of officers in Branch 1690.

Your first question asks who should decide a pending election appeal which may be referred to the Branch Executive Board. Previous rulings have consistently held that when an appeal is made from a decision of the Election Committee to the Executive Board of the Branch, the appeal is to be decided by whichever members of the Board are in office at that time. Nothing in the regulations nor the NALC Constitution prohibits any member of the Executive Board from participating in making the decision as to how to respond to the Election Committee ruling. The fact that Executive Board members are also appel-

lants, respondents, Election Committee members or presidential appointees does not disqualify them. Ultimately, any aggrieved member may appeal the Board's decision to the Branch.

Your second question asks when Branch officers take office. Article 5, Section 6 of the Constitution for the Government of Subordinate and Federal Branches requires that the installation of Branch officers take place at the first or second meeting of the Branch following their election. As prior rulings have recognized, newly elected officers should not assume the duties of the offices to which they have been elected until after they have been installed.

I trust that the foregoing addresses your concerns.

OPHELIA SOSA—SAN FRANCISCO, CA, BRANCH 214

DECEMBER 15, 2020 (8146)

This is in reply to your letter, dated December 14, 2020, inquiring whether members of Branch 214 may seek nomination to steward positions in multiple stations where they are not assigned.

Generally speaking, the NALC Constitution does not contain any provisions prohibiting the election of a member working in one station to serve as a steward in another station. Article 4, Section 5 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that stewards may be appointed or elected "within the respective stations" as "may be determined" by the Branch. Thus, so far as the Constitution is concerned, it is up to the Branch to decide whether the members in question are eligible for nomination to serve as stewards in a particular office under the Branch By-laws.

It would be entirely inappropriate for me to comment on the interpretation or application of the Branch 214 By-laws with respect to the issue posed in your letter. As National President, it is my responsibility to interpret the NALC Constitution. However, the issue described in your letter depends on the interpretation and application of the relevant By-law language. Such disputes must be resolved, in the first instance, at the Branch level.

As President of the Branch, you are authorized to interpret the Branch By-laws. The decision of the Branch President interpreting a By-law may be formally appealed, initially to the Branch itself, in accordance with the procedure set forth in Article 11, Section 1 of the CGSFB. The decision of the Branch may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

I trust that the foregoing, at least in part, addresses your concerns.

JEFFREY WAGNER—JUPITER, FL, BRANCH 1690

DECEMBER 17, 2020 (8142)

This is in reply to your email, sent December 15, 2020, requesting dispensation permitting Branch 1690 to conduct its installation of officers on January 1, by teleconference, rather than at an in-person Branch meeting. This request is intended to avoid the risks posed by the ongoing COVID pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns.

CARLOS RODRIGUEZ, JR.—BROWNSVILLE, TX, TEXAS STATE ASSOCIATION OF LETTER CARRIERS

DECEMBER 17, 2020 (8147)

This is in reply to your email, sent December 16, 2020, requesting dispensation permitting the Texas State Association to extend the deadline for Branches to submit the names of their delegates from January 5 (as provided by the state association by-laws) to January 27, 2021. This request is intended to allow Branches and the State Association to prepare for the State Committee of Presidents meeting on January 30.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns.

KIMBERLY DRAKE—MARION, IN, BRANCH 378

DECEMBER 23, 2020 (8151)

This is in reply to your letter, dated December 18, 2020, requesting dispensation permitting Branch 378 to conduct new nominations and an election of officers. According to your letter, you were unable to attend the November nominations meeting and nominations for most offices did not take place.

Your request is certainly reasonable in light of the circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

MALEAH SMITHAM—TACOMA, WA, BRANCH 130

DECEMBER 23, 2020 (8152)

This is in reply to your letter, dated December 16, 2020, requesting dispensation permitting Branch 130 to include Sister Shelly Chatnick as a delegate to the Washington State Convention even though she was not nominated or elected as a delegate. According to your letter, the Branch erroneously concluded that she was not eligible to serve as a delegate because she had been detailed to a Safety Specialist position in the Seattle District.

Unfortunately, the Constitution does not permit Branches to simply appoint members to serve as delegates. The NALC Constitution and Regulations Governing Branch Election Procedures require that convention delegates be nominated and elected by the Branch that they will represent. It would be inconsistent with this requirement to simply name an individual as a delegate outside the normal nomination process.

The one possible solution would be for me to grant the Branch dispensation to extend the nomination of delegates to allow it to fill any remaining slots. While such an extension is permissible, it would be inappropriate for the extension to apply solely to one member. Accordingly, the Branch may submit to me a request for dispensation to extend the deadline for nominations for delegates. I caution that if such



dispensation were granted, the Branch would be required to notify all members of this extension and the opportunity for each member of the Branch to be nominated. If this process were to result in more nominees than delegate positions, the Branch would then be required to conduct a special election of additional delegates.

I trust that the foregoing, at least in part, addresses your concerns.

CARMEN PENNY—MONTGOMERY, AL, BRANCH 106
DECEMBER 29, 2020 (8153)

This is in reply to your letter, dated December 24, 2020, advising that Branch 106 can no longer conduct in-person monthly meetings due to the increased risks posed by the COVID-19 pandemic. On behalf of Branch President Fullove, you now request dispensation to cancel the Branch's January meeting and to authorize National Business Agent Steve Lasso to swear in the Branch's newly elected officers in a virtual installation.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID GAGNON & ROBERT PRESTON—EAST HARTFORD, CT, BRANCH 86
DECEMBER 30, 2020 (8154)

This is in reply to your letter, dated December 22, 2020, concerning your appeal of the Branch 86 election and charges you wish to submit against the President and Executive Vice President of the Branch. According to your letter, the Branch has refused to accept your charges.

It is my understanding that the NALC Committee on Appeals has issued its decision regarding your election appeal and that you should have received a copy of that decision. If you haven't received it you should contact Vice President Lew Drass, who is chairman of the Committee.

It is my decision that your letter and charges do not provide a basis for invoking the trusteeship procedures set forth in Article 18 of the NALC Constitution. However, your charges should be processed at the Branch level, if possible, in accordance with Article 10 of the Constitution for the Government of Subordinate and Federal Branches.

On December 10, I granted all Branches dispensation to conduct monthly meetings using alternative electronic methods such as video conferencing. This dispensation allows Branches to read charges at a virtual meeting. A committee may then be appointed by an appropriate Branch officer to investigate the charges. The committee's report may be presented at a subsequent virtual meeting at which the members may vote on the charges.

By copy of this letter, I am requesting that Branch 86 advise me whether it will be able to process the charges at issue as suggested above. If it cannot, I will consider alternative methods to investigate the issues raised by the charges.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of your charges.

TINA KUNZ—STURGIS, SD, BRANCH 3597
DECEMBER 30, 2020 (8155)

This is in reply to your letter, dated December 20, 2007, in which you raise issues concerning the November 27 election of officers in Branch 3597, and allege other acts of misconduct by Branch President Rick Engle.

Although you characterize your letter as a charge against Brother Engle as President of the South Dakota State Association of Letter Carriers, the factual allegations in your letter all pertain to the conduct of the Branch election. Your letter does not set forth any facts which would justify an investigation of Brother Engle's conduct as state president.

Nonetheless, your letter and the statements which you enclosed indicate that the Branch may not have conducted its most recent election of officers in accordance with the NALC Regulations Governing Branch Election Procedures. The election may also have failed to comply with the requirements of federal law.

Accordingly, by copy of this letter, I am requesting that National Business Agent Troy Fredenburg designate a representative of his office to investigate this situation. Based on this investigation Brother Fredenburg or his representative should recommend whether I should order the Branch to conduct a special election of officers.

A copy of this letter is being sent to Brother Engle. I expect all members and officers of the Branch to cooperate in this investigation.

TRAVIS KLEMP—FORT DODGE, IA, BRANCH 645
JANUARY 5, 2021 (8159)

This is in reply to your letter, dated December 19, 2020, requesting dispensation permitting Branch 645 to conduct its nominations of officers and delegates on February 9, 2021, at a virtual meeting conducted on ZOOM, and its election, if necessary, by mail ballot. As you previously reported, the Branch was unable to convene its regular nominations meeting due to the lack of a quorum. The Branch is now conducting its regular monthly meetings by ZOOM.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate in a video meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch. The draft notice that you included with your letter raises a potential issue. The notice states that nominees must accept nomination either at the meeting or submit a written acceptance to the Branch Secretary prior to the meeting. Previous presidential rulings have held that a Branch may be obliged to allow nominees to submit an acceptance in writing after the meeting based on a claim by the nominee that he/she was absent for unanticipated reasons.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

KEISHA LEWIS—GARDEN GROVE, CA, BRANCH 1100

JANUARY 7, 2021 (8161)

This is in reply to your letter, dated January 6, 2021, requesting dispensation permitting the officers of Branch 1100 to suspend compliance with By-law provisions requiring regular station visits. This request is based on the continuing risks posed by the COVID pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thanks you for bringing this matter to my attention, and please convey my best wishes for a speedy recovery to all those Branch members who have been confirmed as having contracted the virus.

PHILIP SKIPPER—PENSACOLA, FL, BRANCH 321

JANUARY 12, 2021 (8162)

This is in reply to your email, sent January 7, 2021, in which you convey a request from Executive Vice President Mamon for dispensation to postpone Branch 321's vote on charges against you until the Branch's meeting on February 9. According to your email, the Branch voted to continue the vote on the charges until the January 12 meeting, in accordance with Article 10, Section 1 of the Constitution for the Government of Subordinate and Federal Branches. However, the investigating committee apparently has been unable to meet because of staffing shortages and the heavy holiday work load. In addition, one of the committee members has tested positive for coronavirus. Accordingly, the committee needs additional time to complete its report.

Prior rulings have recognized that circumstances sometimes arise which prevent an investigating committee from completing its investigation within the time frame provided by Article 10, Section 1. The rulings have instructed committees in these circumstances to complete their investigations as soon as possible. The facts presented here indicate that Brother Mamon's request is reasonable and consistent with these prior rulings. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. However, since you are the charged party in this case, I am requesting that any further inquiries regarding the processing of these charges be sent directly by Brother Mamon, and not from you. In addition, please convey my best wishes to the member who tested positive.

ERIC RHINEHOUSE—WEST MEMPHIS, AR, BRANCH 4189

JANUARY 12, 2021 (8164)

This is in reply to your email, sent January 7, 2021, concerning the apparent decision of Branch 4189 to disqualify you as the sole nominee for President of the Branch. According to your email, the Branch has scheduled new nominations to take place on January 14.

At the outset, it would be inappropriate for the National Union to intervene in this matter at this time, particularly since we only have your side of the story before us. I can provide the following general guidance to you and the Branch.

Previous rulings have held that the fact that a member owes an individual debt to the Branch does not, by itself, disqualify the member from running for or holding branch office. However, such an individual ultimately could be removed from membership for failure to repay an established debt in a timely manner.

The rulings have also noted that it is up to the Branch to decide how and when to collect outstanding debts owed by members. For example, the Branch may set a deadline for making the payment and, if the member fails to do so, declare that the debtor has forfeited his NALC membership. (If the Branch does so, it should notify Secretary-Treasurer Nicole Rhine and the NALC Membership Department of the membership forfeiture.) Alternatively, the Branch may work out a payment schedule with the member.

Prior to the time of forfeiture, the member retains full membership rights, including the right to be a candidate for office. Only when the point of forfeiture is reached does the member lose rights of Branch membership.

You may object at the January 14 meeting to the conduct of new nominations and the failure to recognize you as Branch President. The Branch's decision may be appealed to the National Committee on Appeals under the procedures set forth in Article 11 of the Constitution for the Government of Subordinate and Federal Branches.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the present dispute.

**KEITH HOOKS—WASHINGTON, DC, BRANCH 142
JANUARY 12, 2021 (8166)**

This is in reply to your letter, dated January 7, 2021, requesting dispensation to postpone nominations for the upcoming special election for Branch 142 Recording Secretary to the Branch's February meeting. Nominations were originally scheduled for the meeting on January 6. However, the notice of nominations was apparently published in the January issue of *The Postal Record* which was not mailed until January 8.

Given the circumstances, your request is reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that the members are notified of the new time and place for nominations.

I trust that the foregoing addresses your concerns.

**JOHN TRIMARCO & TENISHA WATKINS—MEL-ROSE PARK, IL, BRANCH 2183
JANUARY 14, 2021 (8150)**

This is to follow up on our previous correspondence concerning the 2020 nominations and election of officers in Branch 2183. This letter supercedes my ruling, dated November 25, 2020, authorizing President Trimarco to conduct new nominations and a new election for all officer positions.

As you know, on December 22, I authorized National Business Agent Mike Caref to investigate this matter. Based on his findings, it appears that the November 22 nominations were properly conducted and were not impacted by the COVID pandemic. Therefore, I conclude that all nominees who were unopposed at that meeting were properly elected by acclamation and may be installed as officers of Branch 2183.

However, Brother Caref's report does show that there were significant problems that affected the mail ballot election for President. The ballots were due on November 18, but were not mailed until November 3, which meant that the balloting period was less than the twenty day minimum required by Section 14.2 of the NALC Regulations Governing Branch Election Procedures. In addition, there were significant mail delays during this period. Moreover, the ballot instructions advised voters that they could return their ballots in person at the November 18 Branch meeting. That meeting was cancelled.

Based on these facts I conclude that Branch 2183 should conduct a new election for Branch President as expeditiously as possible. By copy of this letter, I am authorizing NBA Caref to assist the Branch in conducting this new election. Brother Trimarco will remain President pending the outcome of this election. He may appoint a new election committee or authorize one of the previously appointed committees to supervise the election.

Finally, Brother Caref's report indicates that some members of the Branch are interested in merging with another nearby NALC Branch and that such a merger could potentially improve the representation of Branch 2183's members. Of course, any such merger would have to be approved by the members. Brother Caref is authorized to assess the interest of other Branches and to assist the members of Branch 2183 in assessing their options.

I trust that the foregoing satisfactorily addresses the issues you both have raised. Thank you for bringing this matter to my attention and for cooperating with Brother Caref's investigation.

**MARI THOMSON—PINE VALLEY, CA, BRANCH 70
JANUARY 22, 2021 (8170)**

This is in reply to your email, sent January 16, 2021, in which you ask how a decision of a Branch may be appealed when in-person meetings have been cancelled due to the COVID pandemic.

Please be advised that, for the most part, the appeal procedure set forth in Article 11, Section 2 of the Constitution for the Government of Subordinate and Federal Branches may still be followed by a member who wishes to appeal a Branch decision to the National Committee on Appeals. As stated therein, the appeal should be submitted to the Recording Secretary. However, if meetings cannot take place, the Branch should dispense with the reading of the appeal at the next meeting. Instead, the Branch should prepare its response and submit both the response and the appeal to the National Committee on Appeals within twenty days of the date on which the cancelled meeting would have taken place.

If necessary, either the appellant or the Branch may request dispensation from me to extend dead-

lines or otherwise modify the constitutional procedures.

I trust that the foregoing addresses your concerns.

**LYNNE PENDLETON—MARIETTA, GA, REGION 9
JANUARY 22, 2021 (8171)**

This is in reply to Branch 321 Executive Vice President Gary Marmon's email, sent January 20, 2021, concerning the pending charges filed by Tia Hill against Branch President Philip Skipper. It appears that because of the disruptions caused by the COVID pandemic and long work hours, Brother Marmon has not been able to find three disinterested members of the Branch who are willing to serve on a committee to investigate the charges.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I am hereby authorizing you to appoint a committee to investigate the charges consisting of three disinterested members of other Branches located near Branch 321. All deadlines for processing of charges should be deemed extended to the extent necessary for the committee to complete its investigation and report to the Branch.

Please contact me if you need any additional assistance.

**EDWARD PRINCE, JR.—LAFAYETTE, LA, BRANCH 1760
JANUARY 22, 2021 (8173)**

This is in reply to your letter, dated January 20, 2021, advising that Branch 1760 can no longer conduct in-person monthly meetings due to the increased risks posed by the COVID-19 pandemic. You now request dispensation to cancel the Branch's January meeting and to authorize National Business Agent Steve Lassan to swear in the Branch's newly elected officers in a virtual installation.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**WALTER MCGREGORY—TAYLOR, MI, BRANCH 2184
JANUARY 26, 2021 (8176)**

This is in reply to your letter, dated January 25, 2021, concerning Branch 2184's postponement of its nomination and election of officers, stewards and delegates, due to the COVID pandemic. The nominations meeting had been scheduled for last October, in accordance with the Branch By-laws.

On behalf of the Branch, you now request dispensation permitting the Branch to conduct its nominations at a special meeting sometime in the spring, which will be scheduled on a Sunday for that sole purpose. The meeting will take place outdoors on the Branch's property in a large tent that will permit appropriate social distancing and other appropriate precautions recommended by the CDC. The election, if necessary, would subsequently be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitu-



tion, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers, stewards, and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

RICH HARPER—LEWISTOWN, PA, BRANCH 1495

JANUARY 28, 2021 (8177)

This is in reply to your letter, dated January 15, 2021, concerning charges that have been filed against the President of Branch 1495 under Article 10 of the Constitution for the Government of Subordinate and Federal Branches. According to your letter, the charges were served and read at the Branch meeting on January 14, but an investigating committee was not then appointed. You now ask whether Vice President Jones' failure to appoint a committee at the meeting violated the Constitution.

The limited facts set forth in your letter do not indicate that there has been a violation. Under Article 10, Section 3, the Branch President, or Vice President, if the charges are against the President, has discretion to appoint the investigating committee. However, Article 10 does not require that the appointment of the committee be made at the meeting at which charges are read. At the same time, the committee should be appointed in sufficient time so that it can complete its investigation and prepare its report in accordance with the time frame provided by Article 10.

Please note that I am providing a copy of this letter to Brother Jones. He may contact National Business Agent Brian Thompson for assistance.

I trust that the foregoing addresses your concerns.

NICK VAFIADES—VANCOUVER, WA, REGION 2

JANUARY 28, 2021 (8178)

This is in reply to your letter, dated December 30, 2020, requesting dispensation permitting Branch 1857, Burley, Idaho dispensation to conduct a special election of officers under your supervision. According to your letter, the Branch did not send an appropriate election notice by mail to its members, and the Branch President has since resigned.

Your request is certainly reasonable in light of the circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JAVIER BERNAL—KINGWOOD, TX, REGION 10

JANUARY 28, 2021 (8183)

This is in reply to your email, sent January 26, 2021, concerning the situation in Branch 3244, Carlsbad, New Mexico. Apparently, the Branch has no current officers or stewards, does not conduct meetings, and hasn't been filing grievances.

I agree that every effort should be made to restore this Branch to a functioning status. Therefore, in

accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 3244 dispensation to conduct a special election of officers and stewards. As you requested, I authorize Regional Administrative Assistant Shawn Boyd provide whatever assistance may be necessary to ensure that the Branch resumes regular meetings, that nominations and an election take place as expeditiously as possible, and that all necessary grievances are filed and processed. Your office should continue to monitor this situation and advise me if any additional action is required.

Please feel free to contact me if you require any additional assistance. Thank you for bringing this matter to my attention.

JANE GRANT—BRIGHTON, MI, MICHIGAN STATE ASSOCIATION OF LETTER CARRIERS

JANUARY 28, 2021 (8184)

This is in reply to your letter, dated January 26, 2021, concerning the cancellation of the Michigan State Association convention that had been scheduled for May. On behalf of the State Association you now request dispensation to convene a special meeting of delegates on WebEx on April 11 for the purpose of nominating state officers. An election, if necessary, would then be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. In addition, I suggest that the State Association provide delegates who may not be able to participate in a WebEx meeting an alternative means of submitting nominations, such as by mail.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

CARLOS RODRIGUEZ, JR.—BROWNSVILLE, TX, TEXAS STATE ASSOCIATION OF LETTER CARRIERS

FEBRUARY 2, 2021 (8185)

This is in reply to your letter, dated January 23, 2021, requesting dispensation to postpone the 2021 Texas State Association convention until the next scheduled convention in 2023. Your request is based on the safety concerns posed by the ongoing coronavirus pandemic.

I am prepared to grant dispensation permitting the postponement or cancellation of the in-person convention scheduled in 2021, in light of the ongoing health risks created by the pandemic. However, I am not willing to authorize the postponement of the election of the State Association's officers until 2023. Article 7 of the Constitution of the Government of State Associations provides that nominations and elections of state officers "shall take place annually, or biennially, or triennially during the meeting of [the State] Association, as provided in the State Association by-laws at such time as the delegates present may by vote decide." Your proposal would create a four year gap between elections which exceeds the three year limit provided by the Constitution.

Accordingly, I recommend that you contact Assis-

tant Secretary-Treasurer Paul Barner who can assist you in working out an alternative procedure for nominating and electing state officers. For example, I recently granted dispensation to one state association authorizing it to convene a virtual special meeting of delegates on Webex for the purpose of nominating officers. An election, if necessary, will be conducted by mail ballot. Brother Barner can also assist you in addressing the specific questions that you posed in your letter.

Please submit to me a revised request for any necessary dispensations, following your discussions with Brother Barner.

Finally, please be advised that the Executive Board is constitutionally authorized to approve the expenditure of any funds that may be necessary to conduct nominations and an election. Article 8, Section 5 of the Constitution for the Government of State Associations (CGSA) provides in pertinent part:

In conjunction with the President, [the Executive Board] shall have general supervision and control of the Association during recess. They shall act as Trustees of this Association and in every way carry out the interests of this Association.

Article 8, Section 5 also empowers the Board to "examine all bills [and] approve the same if found correct."

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

ANTONIA SHIELDS—BIRMINGHAM, AL, ALABAMA STATE ASSOCIATION OF LETTER CARRIERS

FEBRUARY 4, 2021 (8186)

This is in reply to your letter, dated February 1, 2021, concerning the potential cancellation of the Alabama State Association convention, due to the COVID pandemic. You now request dispensation to convene a virtual special meeting of delegates, using a video conference platform. The purpose of the meeting will be to allow the delegates to decide whether to cancel the convention and implement an alternative procedure to conduct the election of State Association officers. If the convention is cancelled, delegates will nominate officers at a virtual meeting. An election, if necessary, will be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

If the convention is cancelled, please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. In addition, I suggest that the State Association provide delegates who may not be able to participate in a virtual meeting an alternative means of submitting nominations, such as by mail.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAN WAGNER—NEW BERLIN, WI, BRANCH 397

FEBRUARY 4, 2021 (8187)

This is in reply to your letter, received by my office on February 3, 2021, requesting dispensation

permitting Branch 397 to postpone its nominations and election of officers and delegates from February and March to March and April. You also request dispensation to allow members to submit nominations by ZOOM as well as in-person, and to conduct the election by mail.

Your request is certainly reasonable in light of the continuing safety risks posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

AGUSTIN LORENZO, JR.—OCALA, FL, BRANCH 1103

FEBRUARY 8, 2021 (8188)

This is in reply to your letter, dated December 26, 2020, concerning the nomination of officers in Branch 1103. As noted in previous correspondence, the Branch conducted nominations as scheduled at its November meeting, but a quorum was not present.

You now advise that after receiving my letter of December 1, the Branch notified all members that they could submit additional nominations by mail. Apparently no additional nominations were submitted. You now request dispensation to declare the original nominees elected by acclamation and to arrange for their installation.

Based on the facts set forth in your letter, it does appear that the nominees may now be installed. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JAMES BROWN—DAYTON, OH, BRANCH 182

FEBRUARY 9, 2021 (8189)

This is in reply to your letter, dated February 5, 2021, concerning separate charges that have been filed against three officers of Branch 182: the Vice President, one Trustee, and yourself, as the newly elected President. Consistent with Article 10, Section 3 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB), you may appoint committees to investigate the charges against the other two officers, while Vice President Barbieri may appoint a committee to investigate the charges against you. You now ask whether the same three members may be appointed to investigate all charges.

Please be advised that the relevant constitutional provision, Article 10, Section 3 of the CGSFB, does not specifically require multiple committees to handle multiple charges. Normally, the appointing officer has discretion to decide whether to appoint one or more committees. A single committee can investigate separate charges against multiple officers. The only qualification is that the members of the committee(s) would have to be disinterested with respect to all charges they are responsible for investigating. In addition, the members of the committee(s)

must be in a position to find the facts concerning all charges assigned to them.

However, in the situation you describe the appointment of a single committee would raise a potential inconsistency with the Constitution because the charges against Brother Barbieri and you would be investigated by the same individuals who had been appointed by yourselves. Rather than create the appearance of a conflict, I would recommend that you appoint separate committees. A single committee appointed by you could investigate the charges against Brother Barbieri and Brother Miller, while a separate committee could investigate the charge against you.

Alternatively, you and Brother Barbieri could recuse yourselves from making any appointments and allow the next highest ranking officer who hasn't been charged to appoint a single committee to investigate all charges.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the pending charges or any subsequent appeal.

MARI THOMSON—PINE VALLEY, CA, BRANCH 70

FEBRUARY 9, 2021 (8191)

This is in reply to your email, sent February 8, 2021, requesting dispensation to defer the time for submitting your appeals from decisions of the President and Executive Board of Branch 70 to the date of the Branch's meeting in March 2021.

In my previous letter, I noted that either the appellant or the Branch may request dispensation from me to extend deadlines or otherwise modify the constitutional procedures for submitting appeals. Your present request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. As always, this letter should not be read to express any view as to the merits of the appeal at issue.

LAURIE McLEMORE—CHATTANOOGA, TN, TENNESSEE STATE ASSOCIATION OF LETTER CARRIERS

FEBRUARY 9, 2021 (8192)

This is in reply to your letter, faxed to my office on February 4, 2021, requesting dispensation permitting the Tennessee State Association of Letter Carriers to use alternative means of conducting its 2021 nominations and election. Nominations will be conducted by utilizing an electronic video conference platform. An election, if necessary, would then be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. In addition, I suggest that the State Association provide delegates who may not be able to participate in an electronic meeting an alternative means of submitting nominations, such as by mail or email.

Branches that have been unable to nominate and elect delegates for the 2021 State Convention may authorize their delegates to the previous Convention to participate in the nominations and election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

STEPHANIE MATTHEWS—ATLANTA, GA, BRANCH 73

FEBRUARY 9, 2021 (8193)

This is in reply to your letter, dated February 3, 2021, enclosing your appeal from a decision of Branch 73 to the National Committee on Appeals.

Please be advised that I have forwarded your appeal to NALC Vice President Lew Drass who serves as Chairman of the Committee. Any further correspondence concerning this matter should be addressed to Brother Drass.

Article 11, Section 2 of the Constitution for the Government of Subordinate and Federal Branches requires the Branch to prepare a response to the appeal. It also requires the Branch Secretary to transmit both the response and the appeal to the Committee. Regardless of whether the appeal was fully read to the Branch, the Secretary must fulfill this obligation.

I trust that the foregoing addresses your concerns.

BRANCH 86 EXECUTIVE BOARD—EAST HARTFORD, CT

FEBRUARY 12, 2021 (8154)

This is in reply to your letter, dated January 29, 2021, concerning the charges submitted by Branch 86 members David Gagnon and Robert Preston against President Willadsen and Executive Vice President Laham. According to your letter, the Branch has served the charges and a committee has been appointed to investigate the charges. However, no further processing of the charges has begun because of COVID restrictions imposed by the Governor of Connecticut.

I fully appreciate that the Branch will not be able to arrange in-person meetings anytime in the foreseeable future. Nonetheless, as I indicated in my previous letter, the processing of the charges cannot be delayed indefinitely. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 86 dispensation to waive the reading of the charges at a Branch meeting that would otherwise be required by Article 10, Section 2 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

Please advise the investigating committee that it may now begin its investigation of the charges. If necessary, the parties and any witnesses may present testimony, including any cross-examination, by telephone conference call or by a video conferencing platform. The committee may contact Assistant Secretary-Treasurer Paul Barner for advice and assistance on the use of secure video technology.

Upon completion of its investigation, the committee should prepare a written report of its findings as required by Article 10, Section 3 of the CGSFB. When the report is completed, please advise me whether the Branch will be able to resume regular meetings. I will be prepared to grant any necessary dispensations.



I trust that the foregoing, at least in part, addresses your concerns. Once again, this letter should not be read to express any view as to the merits of the charges.

VINCENT MASE—NORTH HAVEN, CT, BRANCH 19
FEBRUARY 22, 2021 (8203)

This is in reply to your letter, dated February 17, 2021, requesting dispensation permitting Branch 19 to use alternative procedures to conduct its nominations and election of officers and delegates. Specifically, you ask that members be permitted to submit nominations by ZOOM as well as by first class mail, rather than in person at the Branch's November meeting, as provided by the Branch 19 By-laws.

Your request is certainly reasonable in light of the continuing safety risks posed by the coronavirus pandemic and restrictions on in-person meetings which may be imposed by the State of Connecticut. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

In response to your specific question, please be advised that members are entitled to nominate themselves for any office in the Branch. Section 6.4 of the NALC Regulations Governing Branch Election Procedures specifically states that "Self-nomination is permissible."

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention and for your diligence in working with the Department of Labor to ensure compliance with applicable law.

ROBERT WILLIAMS—FT. WASHINGTON, MD, BRANCH 142
FEBRUARY 23, 2021 (8204)

This is in reply to your email, sent February 19, 2021 concerning the current election of officers in Branch 142. According to your email, the Branch Election Committee has improperly refused to honor a candidate's request to do a campaign mailing and has instead advised the candidate that he must make a request to a Branch officer to have his literature be distributed by the Branch. You also indicate that the Committee's response is inconsistent with the Branch's established past practice.

While I appreciate your concerns, I must advise that it would be inappropriate for me to comment on the situation described in your email, particularly since I only have your side of the story before me. I can provide the following guidance.

Section 9.2 of the NALC Regulations Governing Branch Election Procedures (RGBEP), consistent with federal law, provides that "a Branch must honor all reasonable requests to distribute campaign literature at a candidate's expense." The Comments accompanying Section 9.2 further recommends that Branches "advise all candidates in advance of the conditions under which it will distribute literature, and should promptly advise all candidates of any changes in those conditions." Moreover, the Branch must treat all candidates equally. See RGBEP, Section 9.1.

Apart from the foregoing, the regulations do not specify any particular procedures by which candidate requests are to be submitted or processed by the Branch. The only requirements are that all reasonable requests are honored and that all candidates receive equal treatment.

In any event, complaints regarding the conduct of a Branch election must be incorporated in a post-election appeal in accordance with the procedures set forth in Section 21 of the RGBEP. Accordingly, prior to the election, it would be inappropriate for us to entertain speculation that the Branch will not properly honor a candidate's request to distribute literature.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any appeal that may be brought following the election.

SEROP KARCHIKYAN—PASADENA, CA, BRANCH 2200
FEBRUARY 25, 2021 (8214)

This is in reply to your letter, dated February 23, 2021, concerning the audit reports prepared by Branch 2200's Board of Trustees. According to your letter, the Trustees' practice is to include recommendations in the body of their written reports. You now ask whether, as President of the Branch, you may require the Trustees to submit their recommendations to the Executive Board before they are presented to the Branch at a regular meeting, and to submit the recommendations in a separate document rather than in the body of the regular audit report.

The relevant constitutional provision, Article 6, Section 9 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB), defines the duties of the Branch Trustees as follows:

The Trustees shall examine and report to the Branch the condition of the books of the officers at least once every six months, compare the vouchers and records and see that they correspond with the collections and disbursements. They shall have custody of all Branch property, and shall perform such other duties as the Branch by-laws may require of them.

Although the Constitution does not specifically authorize the Board of Trustees to make recommendations on any matter, financial or otherwise, there is nothing in the Constitution which prohibits them from doing so.

At the same time, Article 6, Section 1 of the CGSFB specifically provides that the Branch President has "general supervisory powers over the Branch," including the power to "see that officers perform their duties." Accordingly, as President you do have the authority to issue instructions to any subordinate officers with respect to the performance of their duties.

This explicit grant of supervisory authority necessarily encompasses the authority to supervise the Trustees. This would include the authority to require the Trustees to submit their recommendations to the Executive Board prior to Branch meetings and to require that any recommendations be submitted separately from their regular report.

Of course, any actions you take as Branch Presi-

dent must be consistent with the Branch By-laws. However, your letter does not indicate that there are any By-law provisions which apply to the issues raised in your letter.

I trust that the foregoing addresses your concerns.

DONALD JONES—BATON ROUGE, LA, BRANCH 129
MARCH 2, 2021 (8220)

This is in reply to your recent letter, received by my office on March 1, 2021, seeking clarification of the eligibility of members on 204b details to vote in the recent Branch 129 election.

At the outset, I cannot comment on the eligibility of any individual member to vote, particularly in light of the extremely limited information provided in your letter. I can, however, provide the following general guidance.

The membership rights of members who accept supervisory positions - which includes the right to vote in an election - are addressed by Article 2, Section 1(c) of the NALC Constitution, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance[.]

Previous rulings interpreting this provision have established that a member occupying a supervisory position may not exercise membership rights or otherwise participate in official Branch activities while he or she is acting in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues).

Accordingly, such members may not exercise the right to vote in a Branch election while serving as a 204b.

However, the rulings have also consistently recognized that when the member returns to a bargaining unit assignment, they immediately regain full membership rights, except for the right to be a candidate for Branch office. Accordingly, if a 204b returns to a bargaining unit assignment, the member would at that point have the right to vote in the election.

I trust that the foregoing addresses your concerns.

TIA HILL—GULF BREEZE, FL, BRANCH 321
MARCH 2, 2021 (8221)

This is in reply to your letter, received by my office March 1, 2021, in which you raise various issues concerning the charges you filed against Branch 321 President Philip Skipper.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to comment on any of your objections to the investigation and vote on the charges, particularly since I only have your side of the story before me. The Branch's decision may be the subject of an appeal to the National Committee on Appeals. The procedure for submitting such an appeal is set forth in Article 11, Section 2 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

I can address your suggestion that the vote on the charges should have been conducted by mail. Please be advised that mail voting is not permissible. Article 10, Sections 1 and 3 of the CGSFB specifically require that the vote on charges is to be among "the members present and voting" at the meeting at which the investigating committee reports.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any appeal.

KEITH HOOKS—WASHINGTON, DC, BRANCH 142

MARCH 2, 2021 (8222)

This is in reply to your email, sent March 1, 2021, requesting dispensation to extend the time for presentation of Brother Robert Williams' appeal of the recent election in Branch 142. According to your email, the appeal to the Branch from the Executive Board's denial was received on March 1 for presentation to the Branch meeting on March 3. However, because the meeting will be conducted by ZOOM it will not be possible to distribute the written appeal to the participating members. Accordingly, you request that the appeal be continued to the meeting on April 7. Brother Williams has agreed to this extension, so long as it is authorized by presidential dispensation.

In light of the above facts, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Brother Williams' appeal may be presented and voted on at the Branch meeting on April 7.

I trust that the foregoing addresses your concerns.

RACHEL FREEHAUF—WEST FARGO, ND, NORTH DAKOTA STATE ASSOCIATION OF LETTER CARRIERS

MARCH 4, 2021 (8225)

This is in reply to your letter, dated March 2, 2021, requesting dispensation permitting the North Dakota State Association of Letter Carriers to conduct its convention virtually and to consolidate the two day event to one day. You also request dispensation to use alternative means of conducting its 2021 nominations and election of state officers. Nominations will be conducted by utilizing an electronic video conference platform. An election, if necessary, would then be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates.

In addition, I suggest that the State Association provide delegates who may not be able to participate in an electronic meeting an alternative means of submitting nominations, such as by mail or email. Branches that have been unable to nominate and elect delegates for the 2021 State Convention may authorize their delegates to the previous Convention to participate in the nominations and election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

WALTER BARTON—AMITYVILLE, NY, BRANCH 6000

MARCH 4, 2021 (8226)

This is in reply to your email, sent March 3, 2021, inquiring whether a member of Branch 6000 may continue to serve as a steward in the letter carrier craft after switching to a clerk craft position in the same station. According to your email this individual will remain a dues-paying member of the NALC.

The answer to your question is yes, subject to the following qualifications.

Article 2, Section 1(a) of the NALC Constitution provides that a non-supervisory employee in the Postal Career Service, such as a clerk, is a "regular branch member." The sole limitation on the activities of "non-letter carrier regular members" is that they may have "no voice or vote in the branch in any matter pertaining to the ratification of a national working agreement, local memorandum of understanding, or proposed work stoppage."

Article 4, Section 5 of the Constitution for the Government of Subordinate and Federal Branches provides that stewards may be appointed or elected "within the respective stations" as "may be determined" by the Branch. Thus, so far as the Constitution is concerned, it is up to the Branch to decide whether to allow members to elect a member from another craft to serve as their steward. Of course, the Branch By-laws may impose restrictions on the eligibility of members to serve as stewards. However, your email does not indicate that the Branch 6000 By-laws contain any relevant restrictions.

Finally, there are practical reasons why a branch might not wish to select a clerk to serve as shop steward. The shop steward has the burden of insuring that NALC meets its duty of fair representation to each letter carrier. A clerk might not be readily available to handle disputes on the workroom floor. The Postal Service may also insist that the APWU formally agree to the certification of a clerk to serve as a letter carrier steward, in accordance with Article 17, Section 2.E of the National Agreement.

I trust that the foregoing addresses your concerns.

EMILY LANE—TAYLORS, SC, BRANCH 2553

MARCH 8, 2021 (8227)

This is in reply to your email, sent March 5, 2021, concerning charges that you and the other Trustees of Branch 2553 intend to file against the President and Secretary/Treasurer of the Branch. According to your email, you intend to serve the charges yourselves. You now ask who you should thereafter present the charges to in the Branch since the Vice President has resigned. It is my understanding that there are no other officers.

Article 10, Section 2 of the Constitution for the Government of Subordinate and Federal Branches

(CGSFB) requires that charges be filed with the Branch and that a copy of the charges be served on the charged member. Normally, it is the responsibility of the Branch (not the charging party) to serve the charged parties with a copy of the charges, after they have been filed with the Branch. According to your email, you intend to serve your charges yourselves. Although this procedure does not conform to the literal language of the Constitution, in this case the charged parties are both incumbent officers. Accordingly, service of the charges by the Branch would not be necessary.

Obviously, given the circumstances, there are issues as to the further processing of the charges. Article 10, Section 2 states that the "charges shall be read by the recording secretary at the first regular meeting after service on the member or officer." Article 10, Section 3 of the CGSFB provides that a committee to investigate the charges is to be appointed by "[t]he president, or if the president be the person against whom charges are made, the vice president." In this case all officers of the Branch are either bringing the charges or are the subject of the charges. Accordingly, there are no officers eligible to read the charges or appoint the committee.

I have been advised that your National Business Agent Lynn Pendleton will be hosting the next Branch meeting via Webex. Therefore, by copy of this letter I am authorizing Sister Pendleton to read the charges and to appoint the investigating committee. In addition, Sister Pendleton, or her designee, should preside over the meeting at which the committee presents its report and the members vote on the charges.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of your charges.

LAURA STURGEON—DECATUR, IL, BRANCH 317

MARCH 15, 2021 (8090)

This is in reply to your email, sent March 11, 2021, requesting dispensation permitting Branch 317 to further postpone its nomination of state convention delegates to the April or May 2021 meeting. My previous grant of dispensation would have permitted the Branch to conduct nominations in December or January. However, according to your email, the Branch did not conduct a meeting in December and did not have a quorum at its January meeting.

Once again, your request for dispensation is appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution I hereby grant Branch 317 dispensation to postpone its nominations of state delegates to a meeting in April or May, so long as appropriate notice is provided by mail to all active and retired members of the Branch. As previously noted, the Constitution and NALC election regulations require that a notice of nominations and election be sent by mail to each member of the Branch 10 days before the date nominations are held and 45 days before the election. If 45 days notice is provided, the Branch may conduct nominations and an election, if there are more nominees than delegate slots, at the same meeting.

I trust that the foregoing addresses your concerns.


WILLIAM BARNES—VALLEY VIEW, OH, BRANCH 40
MARCH 18, 2021 (8231)

This is in reply to your letter, which was emailed to my office on March 15, 2021, concerning charges which are pending against an officer of Branch 40. According to your letter, a committee has been appointed to investigate the charges. However, no further processing of the charges has begun because of COVID restrictions imposed by the Governor of Ohio.

I fully appreciate that the Branch will not be able to arrange in-person meetings anytime in the foreseeable future. Nonetheless, as National Business Agent Mark Camilli has previously advised, the processing of the charges cannot be delayed indefinitely. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 40 dispensation to waive the reading of the charges at a Branch meeting that would otherwise be required by Article 10, Section 2 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

Please advise the investigating committee that it may now begin its investigation of the charges. If necessary, the parties and any witnesses may present testimony, including any cross-examination, by telephone conference call or by a video conferencing platform. The committee may contact Assistant Secretary-Treasurer Paul Barner for advice and assistance on the use of secure video technology.

Upon completion of its investigation, the committee should prepare a written report of its findings as required by Article 10, Section 3 of the CGSFB. When the report is completed, please advise me whether the Branch will be able to resume regular meetings. I will be prepared to grant any necessary dispensations.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of the charges.

BILL SCHORSCH—OAK BROOK, IL, BRANCH 825
MARCH 18, 2021 (8232)

This is in reply to your letter, dated March 12, 2021, concerning the charges submitted by Branch 825 member Mike Caref against Branch President Ricke. According to your letter, you intend to read the charges at the next Branch meeting, which will be conducted by ZOOM. However, you now request an indefinite extension of the time to process the charges until in-person meetings can be resumed.

I fully appreciate that the Branch will not be able to arrange in-person meetings anytime in the foreseeable future due to the ongoing pandemic. Nonetheless, the processing of the charges cannot be delayed indefinitely. Therefore, after the charges are read, you should appoint an investigating committee, as required by Article 10, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. If necessary, the parties and any witnesses may present testimony, including any cross-examination, by telephone conference call or by a video conferencing platform. The committee may contact Assistant Secretary-Treasurer Paul Barner for advice and assistance on the use of secure video technology.

Upon completion of its investigation, the committee should prepare a written report of its findings as required by Article 10, Section 3. When the report is completed, please advise me whether the Branch will be able to resume regular meetings. I will be prepared to grant any necessary dispensations at that time.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of the charges.

JOHN TRIMARCO—MELROSE PLACE, IL, BRANCH 2183
MARCH 18, 2021 (8233)

This is in reply to your email sent March 16, 2021. Congratulations on being reelected as President of Branch 2183.

Your email requests dispensation permitting the Branch to postpone its installation of officers to next month so that the installation can be conducted in person. This request is based on the fact that the American Legion Post where meetings are normally held will be closed due to Covid-19.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

NADINE RASMUSSEN—SPRINGFIELD, VA, BRANCH 142
MARCH 18, 2021 (8234)

Your email to Assistant Secretary-Treasurer Paul Barner, sent March 14, 2021, has been referred to me for reply. Your email asks several questions concerning the procedure for presenting an election appeal to the Branch in accordance with Section 21.3 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

At the outset, please note that Section 21.3 does not set forth any specific procedural requirements regarding the Branch meeting at which the appeal is heard. Accordingly, the matter is left largely to the discretion of the Branch. The overriding criterion that should guide the Branch is fairness. All interested parties must be given a reasonable opportunity to present their arguments to the members, so that the members may make an informed decision.

In response to your specific questions, I can offer the following guidance.

As a general rule, an aggrieved member who appeals a branch election may not add new objections to the conduct of the election that were not included in the original appeal to the Election Committee. Section 21.1 of the RGBEP expressly provides that "all objections to the conduct of an election by an aggrieved member must be mailed to the Chairperson of the Branch Election Committee within five (5) days after the date of the election." However, this principle does not prohibit appellants from submitting additional documents supporting the original objections or responding to the decisions of the Election Committee and Executive Board.

In any event, the officers of the Branch may not refuse to present an appeal to the members because they believe it inappropriately raises new objections. That issue can be raised at the meeting, but it is up to the members to decide.

You also ask whether all the documents contained in the appeal must be distributed before or at the Branch meeting. The NALC election regulations do not require the Branch to mail copies of an election appeal to the members or distribute copies of the appeal to the members in attendance at any meeting. The Branch can decide to make such a distribution, but it is not required. However, any members who wish to read this material should be given an opportunity to do so. I suggest that the Branch consult with Brother Barner for advice on how to provide members a reasonable opportunity to read the material either at or before a virtual meeting conducted on ZOOM.

In addition, prior rulings have held that it is not necessary at the meeting to read aloud all the material submitted by the appellant when that material is so voluminous that reading it in its entirety would consume so much time as to interfere with branch business. Rather, it would be sufficient to read pertinent excerpts and to provide a reasonable summary of the material so as to inform the Branch of the substance of the appeal.

It is up to the Branch to decide whether to allow debate on the appeal. If it does permit debate, the Branch may decide on the appropriate procedures, which may include time limits. Again, the overriding criterion is fairness to all concerned.

Finally, according to your email, there is an issue as to whether the appeal is timely. You now ask how that issue should be addressed.

Please be advised that the appeal must be presented to the Branch meeting even if the officers of the Branch believe that it is untimely. Under Section 21.3 of the RGBEP "the merits of the appeal" must be decided by the "members present at the next scheduled meeting of the branch." This would include any dispute over the timeliness of the appeal. The members' decision may, in turn, be appealed to the National Committee on Appeals.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits or timeliness of the appeal in question.

MARK SEITZ—PORTLAND, ME, MAINE STATE ASSOCIATION OF LETTER CARRIERS
MARCH 18, 2021 (8235)

This is in reply to your email, sent March 17, 2021, requesting dispensation to postpone the 2021 Maine State Association convention from sometime in the spring, as specified in the State Association By-laws, to October 16-17, 2021. Your request is based on the current restrictions on in-person meetings imposed by the State of Maine.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the change is provided to all Branches and delegates. Branches that have been unable to nominate and elect delegates for the 2021 State Convention due to the pandemic may authorize their delegates to the previous Convention to attend this Convention.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**SCOTT HANEY—PEORIA, IL, BRANCH 31
MARCH 22, 2021 (8236)**

This is in reply to your letter, dated March 11, 2021, requesting dispensation permitting Branch 31 to conduct its nominations of officers and delegates at its September or October meeting, rather than in November as provided by the Branch By-laws. This request is intended to allow members more time to request, receive, and return absentee ballots before the December election meeting in light of the continuing safety issues posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Branch may choose to conduct its nominations at either the September or October meeting, notwithstanding the provisions of its By-laws.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is published in *The Postal Record* and the Branch newsletter, as indicated in your letter.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

LAKEYSHAN BRYANT—GREENVILLE, MS, MISSISSIPPI STATE ASSOCIATION OF LETTER CARRIERS

MARCH 30, 2021 (8241)

This is in reply to your letter, received in my office March 23, 2021, requesting dispensation to postpone the 2021 Mississippi State Association convention from sometime in the spring, as specified in the State Association By-laws, to sometime later this year, possibly September. Your request is based on the current restrictions on in-person meetings imposed by the CDC and the State, as well as the continuing risks posed by the ongoing COVID pandemic.

Your request to postpone the Convention is certainly reasonable in light of the ongoing health risks created by the pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation to postpone the 2021 Mississippi State Convention until September, or later if necessary.

However, I am not willing to authorize the postponement of the election of the State Association's officers indefinitely. Please bear in mind that Article 7 of the Constitution of the Government of State Associations provides that nominations and elections of state officers "shall take place annually, or biennially, or triennially during the meeting of [the State] Association, as provided in the State Association by-laws at such time as the delegates present may by vote decide."

Accordingly, I recommend that you contact Assistant Secretary-Treasurer Paul Barner who can assist you in working out an alternative procedure for nominating and electing state officers in the event that the continuing uncertainty created by the pandemic prevents scheduling of an in-person Convention by September. For example, I have granted dispensation to state associations authorizing them to convene a virtual special meeting of delegates on Webex for the purpose of nominating officers. An election, if necessary, will be conducted by mail ballot.

I will be prepared to grant any additional dispensations as may be required, following your discussions with Brother Barner.

Finally, please be advised that the Executive Board is constitutionally authorized to approve the expenditure of any funds that may be necessary to conduct nominations and an election. Article 8, Section 5 of the Constitution for the Government of State Associations (CGSA) provides in pertinent part:

In conjunction with the President, [the Executive Board] shall have general supervision and control of the Association during recess. They shall act as Trustees of this Association and in every way carry out the interests of this Association.

Article 8, Section 5 also empowers the Board to "examine all bills [and] approve the same if found correct."

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN McMULLEN—WINDSOR LOCK, CT, BRANCH 86

MARCH 30, 2021 (8243 & 8154)

This is in reply to your letter, dated March 22, 2021, advising that your committee has completed its investigation of the charges submitted by Branch 86 members David Gagnon and Robert Preston against Branch President Willadsen and Executive Vice President Laham. A copy of your written report was enclosed with your letter.

Under Article 10, Section 3 of the Constitution for the Government of Subordinate and Federal Branches, the committee must present its report to the next in-person meeting of the Branch for a vote on the charges. Although the Branch remains unable to arrange in-person meetings due to COVID restrictions, it is reasonable to expect that these restrictions will be lifted in the foreseeable future. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 86 dispensation to defer presentation of the report until the next in-person Branch meeting.

By copy of this letter I am requesting that the Branch Executive Board advise me if it does not appear that meetings can resume in or before September.

Thank you for keeping informed of the status of this matter. As always, this letter should not be read to express any view as to the merits of the charges.

ROBERT McNULTY—LEXINGTON, KY, KENTUCKY STATE ASSOCIATION OF LETTER CARRIERS

APRIL 5, 2021 (8248)

This is in reply to your email, sent March 31, 2021, concerning the cancellation of the Kentucky State Association convention due to the COVID pandemic. You now request dispensation to implement an alternative procedure for the nomination and election of State Association officers. Delegates will nominate officers at a virtual meeting or by telephone or mail. An election, if necessary, will be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. Branches that have been unable to nominate and elect delegates for the 2021 State Convention due to the pandemic may authorize their delegates to the previous Convention to participate in the nomination and election of state officers.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

LUIS RIVAS, JR.—DES PLAINES, IL, BRANCH 2076

APRIL 2, 2021 (8249)

This is in reply to your two letters, dated February 7 and March 29, 2021, requesting dispensation permitting Branch 2076 to postpone its election of officers from February 3 to April 7. As you correctly surmise, we did not receive the February 7 letter until now.

According to your letter, some of the membership did not receive the official election notice sent out in December. You subsequently notified the members that you would reschedule the election for April 7 and would request dispensation from me to do so.

In light of the facts presented in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please understand that this extension applies only to the 2021 election of officers. Future elections must be conducted in accordance with the time frames provided by the Branch By-laws and the NALC Constitution. In addition, this dispensation is without prejudice to the right of any member to file a post-election appeal.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ROBERT TYO—NEW BRAUNFELS, TX, BRANCH 2805

APRIL 12, 2021 (8255)

This is in reply to your letter, dated April 2, 2020, concerning Branch 2805's failure to register its delegates to the 2021 Convention of the Texas State Association of Letter Carriers. According to your email, the registration information was not received by the Branch, apparently due to the relocation of the Branch's post office box. This prevented the Branch from registering its delegates in a timely manner.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation to the Texas State Association allowing it to waive its registration deadline so as to permit the Branch 2805 delegates to register out of time.

Please note that by copy of this letter I am advising Texas State President Carlos Rodriguez, Jr. and Secretary Julian Alvarez that they are authorized to allow Branch 2805's delegates to register, notwithstanding the expiration of any deadline that may be provided by the State Association's By-laws.

I trust that the foregoing addresses your concerns.

KIMBERLY ARNOLD—WEBSTER, TX, BRANCH 3867

APRIL 12, 2021 (8256)

This is in reply to your letter, dated April 9, 2021, concerning Branch 3867's failure to register you and



two other delegates to the 2021 Convention of the Texas State Association of Letter Carriers. According to your letter, the cancellation of regular meetings due to the COVID pandemic apparently resulted in the Branch's inadvertent failure to register its delegates in a timely manner.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation to the Texas State Association allowing it to waive its registration deadline so as to permit the Branch 3867 delegates to register out of time.

Please note that by copy of this letter I am advising Texas State President Carlos Rodriguez, Jr. and Secretary Julian Alvarez that they are authorized to allow Branch 3867's delegates to register, notwithstanding the expiration of any deadline that may be provided by the State Association's By-laws.

I trust that the foregoing addresses your concerns.

KEITH HOOKS—WASHINGTON, DC, BRANCH 142

APRIL 13, 2021 (8259)

This is in reply to your email, sent April 12, 2021, in which you claim that the chair of Branch 142's recent installation failed to recognize your objection to the installation of one newly elected officer.

At the outset, it would be entirely inappropriate for me to comment on the merits of your objection or the qualification of any member to serve as a branch officer. I can offer the following general answers to the questions posed in your email.

First, the failure of the member who is serving as the temporary chair of an installation to recognize an objection could be appealed to the Branch in accordance with Article 11 of the Constitution for the Government of Subordinate and Federal Branches. The Branch's decision would be subject to appeal to the National Committee on Appeals.

Second, the federal Labor Management Reporting and Disclosure Act does provide that persons who have been convicted of certain crimes are prohibited from serving as union officers for a period of 13 years following conviction or the end of the term of imprisonment, whichever is later. These restrictions are summarized in Section 4.12 of the NALC Regulations Governing Branch Election Procedures as follows:

Any person convicted of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of Title II or III of the Labor-Management Reporting and Disclosure Act, any felony involving misuse of such person's position in a labor organization to obtain an illegal gain at the expense of the members of the labor organization, or conspiracy to commit any such crimes, or attempt to commit any such crimes is ineligible to run until thirteen (13) years following conviction or release from prison, whichever is later.

Third, an expungement which vacates a criminal conviction could restore an individual's eligibility to serve as an officer, depending on the specific facts and the terms of the expungement order.

Finally, you may seek additional guidance concerning the issues you have raised from the Office

of Labor Management Standards within the Department of Labor.

I trust that the foregoing addresses your concerns. Once again, this letter should not be read to express any view as to the qualifications of any member of Branch 142 to serve as an officer or the merits of any appeal that you may bring.

TERRY LOCKETT—HOLLAND, MI, BRANCH 601

APRIL 13, 2021 (8260)

This is in reply to your email, sent April 12, 2021, concerning Branch 601's failure to elect delegates to the 2021 Convention of the Michigan State Association of Letter Carriers. Although the Convention has been cancelled, the Michigan State Association's delegates will nominate and elect new officers on May 25. It is my understanding that Branch 601 is entitled to two delegates and that the Branch has not been conducting in-person meetings due to the ongoing COVID pandemic. You now request dispensation permitting the Branch to name delegates who can participate in the upcoming election of state officers.

The NALC Constitution requires that all delegates be elected. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution I hereby grant Branch 601 dispensation to conduct a special election of state delegates by mail ballot or at the Branch's virtual meeting in May. Please contact Assistant Secretary-Treasurer Paul Barner who can assist you in implementing a process for nominating and electing candidates without an in-person meeting. All active and retired members of the Branch should be given timely notice of the procedure for nominating and electing delegates.

In addition, I hereby grant dispensation to the Michigan State Association allowing it to waive its registration deadline so as to permit the Branch 601's delegates to participate in its election of officers. By copy of this letter I am advising Michigan State President Carl Blassingame, Jr. and Secretary Jane Grant that they are authorized to allow Branch 601's delegates to register, notwithstanding the expiration of any deadline that may be provided by the State Association's By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN SYACURE, III—CENTERLINE, MI, BRANCH 4374

APRIL 15, 2021 (8264)

This is in reply to your letter, dated April 9, 2021, requesting dispensation permitting Branch 4374 to suspend compliance with By-law provisions governing the dates, times, and locations of membership and Executive Board meetings. This request is based on the continuing health risks and work disruptions caused by the COVID pandemic. The Branch intends to schedule meetings at alternative times and places to accommodate members' work schedules and social distancing protocols.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is sent to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

LAWRENCE BROWN, JR.—LOS ANGELES, CA, BRANCH 24

APRIL 20, 2021 (8267)

This is in reply to your letter, dated April 16, 2021, requesting dispensation permitting Branch 24 to postpone its regular July meeting to July 10. This postponement is necessary because the Branch's regular meeting date falls on the July 4th holiday weekend.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is sent to the membership regarding the time and place of the July meeting.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

VICTORIA BROWN—MAYWOOD, IL, BRANCH 11

APRIL 22, 2021 (8268)

This is in reply to your letter, dated April 16, 2021, requesting a ruling as to whether a member of Branch 11 is eligible for appointment to the position of shop steward at the Lombard station, notwithstanding the fact that she has recently served as a supervisor.

At the outset, I cannot rule on this situation based on the limited facts set forth in your letter, particularly since I only have your side of the story before me. I can provide the following guidance. Please note that I am providing a copy of this letter to Branch President Julian.

The question is whether the two-year disqualification for those who have held supervisory positions applies to appointed stewards. The answer to this question is yes. Article 5, Section 2 of the Constitution for the Government of Subordinate and Federal Branches expressly provides that any member who holds a supervisory position in the Postal Service "whether one (1) day or fraction thereof, either detailed, acting, probationary or permanently" is ineligible to hold any office or position in the Branch for a period of two years following the termination of supervisory status. There are no exemptions from this rule. Therefore, the Constitution prohibits appointing a member who has served as a supervisor to be a steward until two years after the termination of supervisory status.

I trust that the foregoing addresses your concerns.

YVETTE WYNCHÉ—LAWRENCEVILLE, GA, BRANCH 3793

APRIL 20, 2021 (8269)

This is in reply to your letter, dated April 4, 2021, requesting dispensation permitting Branch 3793 to conduct a special election for President. According to your letter, the President of the Branch has resigned, and there is no Vice President. Since the Branch By-laws do not provide an order of succession, it would appear that a special election is now necessary.

Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Branch 3793 may conduct a special election of President and any other vacant

officer positions for the remainder of the current terms of office.

By copy of this letter I am authorizing National Business Agent Lynne Pendleton and RGA Eric Sloan to provide the Branch any assistance it may require to conduct the special election. In addition, pending the election and installation of a new President, I am authorizing you to coordinate with Sister Pendleton and Brother Sloan to arrange Branch meetings and to take whatever actions may be required to enforce the National Agreement.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ROBERT WILKERSON—WILMINGTON, DE, BRANCH 191
APRIL 26, 2021 (8272)

This is in reply to your email, sent April 21, 2021, requesting dispensation permitting Branch 191 to suspend compliance with a By-law provision requiring the Branch to deposit \$1,000 each month to its Convention Fund. According to your email, this level of funding is no longer necessary or appropriate since the 2020 National Convention has been cancelled. The Branch intends to deposit the funds in its money market account, pending amendment of the By-laws.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

HAROLD KELSO, JR.—SANTEE, CA, CALIFORNIA STATE ASSOCIATION OF LETTER CARRIERS
APRIL 26, 2021 (8274)

This is in reply to your email, sent April 22, 2021, concerning the cancellation of the California State Association's election of officers due to the COVID pandemic. You now request dispensation to implement an alternative procedure for the nomination and election of State Association officers. Delegates will nominate officers at a virtual meeting on July 18. An election, if necessary, will be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The California State Association may conduct the nominations and election in accordance with the procedures outlined in your email.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. Branches that have been unable to nominate and elect delegates for the 2021 State Convention due to the pandemic may authorize their delegates to the previous Convention to participate in the nomination and election of state officers.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN RIVERA—SAN JUAN, PR, BRANCH 869
APRIL 28, 2021 (8276)

This is in reply to your letter, dated April 28, 2021, requesting dispensation permitting Branch 869 to

close its main office to the public, reduce operating hours, implement a work from home program for all employees, and restrict access to facilities to designated personnel. According to your letter, these restrictions are necessary to address the spread of the COVID-19 pandemic in Puerto Rico.

At the outset, I am sorry the situation has become so dire in Puerto Rico, and I commend you for your diligence in addressing this matter. The restrictions outlined in your letter certainly seem reasonable and do not appear to conflict with any requirements in the NALC Constitution. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 869 dispensation to suspend compliance with any By-law provisions which would otherwise prevent the Branch from implementing the procedures described in your letter.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

MARI THOMSON—PINE VALLEY, CA, BRANCH 70
APRIL 28, 2021 (8277)

This is in reply to your email, sent April 27, 2021, concerning the status of the three appeals you have submitted to the National Committee on Appeals and Chairman Lew Drass' letter to you, dated April 21, 2021.

Brother Drass' letter accurately describes the appeals process. It appears that you have misinterpreted my previous letters to you. My letter of January 22 addressed appeals to the Committee from a decision of the Branch. Your present appeals are from decisions of the Branch President that have never been appealed to the membership for a vote. I appreciate that Branch 70 has not been conducting in-person meetings; however, nothing in my previous letters suggested that this step can be by-passed in the absence of dispensation. My previous letters did not grant you dispensation to submit the three appeals at issue directly to the Committee.

Nonetheless, to avoid further delay, I am willing to do so now. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant you dispensation to submit your three pending appeals directly to the National Committee of Appeals. This dispensation is retroactive to the date of your submission. It is not necessary for you to file a second copy of the appeals.

By copy of this letter, I am advising Branch 70 that it must submit its reply to the appeals within twenty days of receipt of this letter. The reply should be addressed to Brother Drass and a copy must be sent to the appellant. If it is not possible to prepare a reply within twenty days, the Branch may submit a request for an extension of time to Brother Drass.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of your appeals.

JOHN ADAMETS—DELAND, FL, BRANCH 2591
MAY 5, 2021 (8287)

This is in reply to your email, sent May 4, 2021, requesting dispensation permitting Branch 2591 to suspend compliance with the By-law provision governing the date of its next membership meeting. Specifically, you intend to postpone the meeting

from May 13 to May 20. This request is based on the continuing health risks and work disruptions caused by the COVID pandemic and is intended to increase the likelihood that there will be a quorum at the meeting.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is sent to the membership regarding the time and place of the meeting.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

STEVEN ANCAR—NEW ORLEANS, LA, BRANCH 124
MAY 5, 2021 (8288)

This is in reply to your email, sent May 5, 2021, concerning the postponement and relocation of the 2021 Louisiana State Association Convention. Specifically, you ask whether the State Association has the constitutional authority to relocate the convention which had been originally scheduled to take place in Shreveport to Baton Rouge.

Generally speaking, the President and Executive Board of the State Association have the authority under the Constitution to change the date and location of a state convention. The relevant provision is Article 3, Section 1 of the Constitution for the Government of State Associations which reads as follows:

This Association shall meet at least once every three years, at such time and place as may be designated in the by-laws or decided upon by a majority vote at a previous session unless conditions should arise which require a change in the date and place decided upon or designated, when the President and Executive Board shall have authority to make such change of time or place and report same through the Secretary.

I appreciate that any such decision has the potential to raise practical problems, such as those described in your email. I would encourage all concerned to contact Assistant Secretary Treasurer Paul Barner for advice on possible solutions.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID GROSSKOPF, JR.—BUFFALO, NY, BRANCH 3
MAY 5, 2021 (8289)

This is in reply to your email, sent May 5, 2021, in which you ask several questions pertaining to charges that have been filed against a steward in Branch 3. The following discussion is intended to provide general guidance regarding the procedural matters raised in your email.

First, NALC has not published an outline of the responsibilities of a Branch President when charges are filed under Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). Article 10 of the CGSFB provides the procedures that must be followed whenever a Branch member files charges. Section 3 of Article 10 requires the President (or the Vice President if the President be the person against whom charges are made) to appoint a committee of three disinterested members to investigate the charges and present a report to the Branch. Upon completion of the



investigation, the committee must submit a written report to the Branch incorporating its findings of fact. Following the submission of the committee's report, the members must decide by majority vote the issue of whether or not the facts, as found by the committee, sustain the charge.

As noted in your email, Article 10, Section 2 of the CGSFB provides that:

Charges must be made in writing, specifying the offense, failure, neglect, or misconduct so as to fully apprise the member or officer of the nature thereof, and shall be signed by a member of the Branch.

While specificity is required by the Constitution, prior rulings have recognized that this does not mean that charges are invalid unless stated in exhaustive detail. I cannot comment on whether the charges attached to your email meet the constitutional standard.

A claim that charges are insufficient on their face may be raised as a defense by the charged party before the committee and the Branch. The rulings have noted that it is up to the investigating committee and the Branch to apply the above-stated principles to the facts of the case. The committee may very well conclude that the charges, as written, are insufficient to state a violation of the Constitution. However the investigating committee may not rely on any such conclusion to avoid completing its investigation and reporting to the Branch. The committee may communicate its opinion as to the sufficiency of the charges to the members. But the members must be given the opportunity to vote on the charges.

With regard to your final question, the existence of By-law provisions providing procedures for the removal of stewards would not preclude a member from filing charges against a steward under Article 10. The Branch would still be obliged to process the charges. Hypothetically, if the Branch were to find the steward guilty of the charges, the availability of alternative removal procedures could be taken into account when the Branch considered the separate issue of an appropriate penalty.

I trust that the foregoing addresses your concerns. Once again, this letter should not be read to express any view as to the merits of the charges or any procedural disputes.

**PERRY SCHMIDT—ST. PAUL, MN, MINNESOTA STATE ASSOCIATION OF LETTER CARRIERS
MAY 24, 2021 (8296)**

This is in reply to your email, sent May 18, 2021, requesting dispensation to implement an alternative procedure for the nomination and election of Minnesota State Association officers. Assistant Secretary-Treasurer Paul Bamer has advised me, based on his consultations with you, that the Minnesota State Association may cancel its in-person convention, scheduled for the first week in October, based on safety concerns stemming from the COVID-19 pandemic. Instead, the convention would be conducted virtually. You now request authorization to allow the delegates to nominate officers at the virtual meeting. An election, if necessary, will be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my author-

ity under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. Delegates who may not be able to participate in the virtual convention should be provided an alternative means of submitting nominations, such as by mail. Branches that have been unable to nominate and elect delegates for the 2021 State Convention due to the pandemic may authorize their delegates to the previous Convention to participate in the nomination and election of state officers.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**EVAN COHEN—EAST GREENWICH, RI, RHODE ISLAND STATE ASSOCIATION OF LETTER CARRIERS
JUNE 3, 2021 (8298)**

This is in reply to your letter, dated May 11, 2021, in which you assert that three of the six Branches in Rhode Island have told you that they will not participate in the 2021 Rhode Island State Association Convention. According to your letter, the State Association By-laws require that four Branches attend the Convention for there to be a quorum. You now request dispensation to proceed with the convention, including nomination and election of state officers, notwithstanding the absence of a quorum.

Your request is certainly reasonable in light of the three Branches' decision not to participate in the Convention. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Rhode Island State Association may conduct its Convention, and its nomination and election of officers, if three Branches attend the Convention, notwithstanding the quorum provisions of its By-laws.

This dispensation is without prejudice to any member or Branch's right to appeal any actions taken by the State Association at the Convention in accordance with Article 13 of the NALC Constitution for the Government of State Associations.

I trust that the foregoing addresses your concerns.

**BRANCH 860 MEMBERS—HONOLULU, HI
JUNE 3, 2021 (8299)**

This is in reply to your letter, received by my office on May 24, 2021, protesting the recent election of officers in Branch 860 because the Branch failed to arrange for publication of its notice of nominations and election in The Postal Record, as required by the Branch By-laws.

Branch President Komine has acknowledged that the Branch did not publish the notice in The Postal Record. However, the Branch did post a notice in all stations and mailed the notice to all retiree members.

Branches are required to provide timely notice of nominations and elections to all members by mail. This requirement is set forth in Article 5, Section 4 of the Constitution for the Government of Subordinate and Federal Branches and Section 5.1 of the NALC Regulations Governing Branch Election Procedures. Clearly, the Branch failed to meet this requirement.

Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby

grant Branch 860 dispensation to conduct a rerun election to cure this violation. The Branch should contact Assistant Secretary Treasurer Paul Bamer for advice on working out alternative procedures for conducting nominations, and an election, if the Branch cannot conduct in-person meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**STEFANIA ALFANO—WHEELING, IL, BRANCH 4739
JUNE 3, 2021 (8301)**

NALC Executive Vice President Brian Renfroe has called to my attention your email, sent May 19, 2021. According to your email, Branch 4739 voted at its meeting on May 18 to reject a motion to invite National Business Agent Mike Caref to attend a future Branch meeting. The Branch did vote to extend an invitation to Regional Administrative Assistant Hutson as a representative of the NBA's office.

Apparently, some members were opposed to NBA Caref's attendance at the Branch meeting. However, the Branch should understand that it cannot choose which representative of the NBA's office may attend its meetings. The National Union is the exclusive bargaining representative of all letter carriers nationwide. Accordingly, it is expected that NBA's, or their designees, will generally have access to Branch meetings to carry out their responsibilities as representatives of the NALC.

Thank you for bringing this matter to our attention. Please feel free to share this letter with the membership of the Branch.

**DAVID BARBUZZI—TEWKSBURY, MA, BRANCH 25
JUNE 4, 2021 (8303)**

This is in reply to your email, sent June 3, 2021, requesting dispensation permitting Branch 25 to waive the meeting attendance requirements provided by its By-laws for convention delegates to receive funding. According to your email, the Branch did not conduct in-person meetings from April 2020 through May 2021. Apparently, it has not been possible to verify members' attendance at the virtual meetings conducted on ZOOM. The proposed waiver would apply to the 2021 Massachusetts State Association Convention and the 2022 National Convention.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Branch may vote to authorize funding for its delegates to the 2021 Massachusetts State and 2022 National Conventions without consideration of whether any delegates have complied with the meeting attendance requirements provided by the Branch By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**PAUL ROZNOWSKI—MADISON HEIGHTS, MI, BRANCH 3126
JUNE 4, 2021 (8304)**

This is in reply to your letter, dated June 3, 2021, requesting dispensation permitting Branch 3126 to suspend compliance with the By-law provision gov-

eming the date of its September membership meeting. Specifically, you intend to postpone the meeting from September 2 to September 9. This request is based on the fact that the UFCW hall at which the Branch conduct its meetings has been closed since March 2020 and is scheduled to reopen on September 7. The Branch has been conducting its meetings virtually, due to the ongoing COVID pandemic, but is planning to resume meeting in-person in September.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is sent to the membership regarding the time and place of the meeting.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ROBERT PEMBERTON—HULL, GA, BRANCH 588

JUNE 15, 2021 (8306)

This is in reply to your letter, dated June 6, 2021, concerning the recent nominations of officers in Branch 588. According to your letter, Branch President Daniel disqualified eight nominations on the ground that they had been mailed in one package, rather than separately.

At the outset, it would be entirely inappropriate for me to issue a ruling in this matter since I have only your side of the story before me. I can advise you that, as a general proposition, in those cases where mail in nominations have been authorized as an alternative procedure due to the pandemic, there is no rule which would prohibit mailing nominations in one package.

I have been advised that an election committee was never appointed for this election, so that a conventional post-election appeal cannot now be initiated. Accordingly, by copy of this letter, I am authorizing National Business Agent Lynne Pendleton, or her designee, to investigate this matter and, if necessary, assist the Branch in correcting any errors that may have impacted the election process.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JIM MEALE—CINCINNATI, OH, BRANCH 43

JUNE 16, 2021 (8310)

This is in reply to your email, sent June 14, 2021, requesting that I intervene to resolve an apparent dispute between you and the President of Branch 43. The issue appears to involve a \$500 payment made to you by the Ohio State Association for your service as a liason. According to your email, the \$500 in question has been confiscated by the branch.

While I appreciate your concerns, I must advise that there is no basis for any intervention by the National Union in this matter, particularly since we only have your side of the story. This matter must be addressed, in the first instance, at the Branch level. The proper procedure would be to initiate an appeal under Article 11 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

In accordance with Article 11, Section 1, you may appeal the President's refusal to authorize the disputed payment to the next meeting of the Branch for

a vote by the members. The Branch's decision may be appealed to the National Committee on Appeals, in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB.

I trust that the foregoing addresses your concern, at least in part. This letter should not be read to express any view as to the merits of this dispute.

STEVE LASSAN—MERIDIANVILLE, AL, REGION 8

JUNE 16, 2021 (8311)

This is in reply to your letter, dated June 14, 2021, requesting dispensation permitting Branch 1995 to conduct a special election of officers. According to your letter, the incumbent President has resigned and the remaining two officers are both on long-term sick leave and may never return.

It does appear that a special election is necessary. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Branch 1995 shall conduct a special election of officers for the remainder of the current terms of office.

In addition, I am authorizing you to provide whatever oversight and assistance the Branch may require to conduct the election properly. Please make sure that an appropriate notice of nominations and election is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JAVIER BERNAL—KINGWOOD, TX, REGION 10

JUNE 16, 2021 (8314)

Secretary-Treasurer Nicole Rhine has referred to me correspondence from Matthew Palacios, a member of Branch 2990, which indicates that the Branch may not have conducted its most recent election of officers in accordance with the NALC Regulations Governing Branch Election Procedures. The election may also have failed to comply with the requirements of federal law.

A copy of Brother Palacios' correspondence is enclosed.

In response to this letter, I am authorizing you, or your designee, to investigate this situation. If you conclude that the facts are as stated in the letter, Brother Palacios should be reinstated as Branch President and a special election of officers should be conducted as expeditiously as possible. In accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 2990 dispensation to conduct such an election.

In addition, I am authorizing you to provide whatever oversight and assistance the Branch may require to conduct the election properly. Please make sure that an appropriate notice of nominations and election is sent by mail to all active and retired members of the Branch. You should also assist the Branch, as necessary, to draft and enact a set of By-laws and to take whatever additional steps are required to ensure proper governance of the Branch going forward.

Copies of this letter are being sent to Brother Fuller and Brother Palacios. I expect all members and officers of the Branch to cooperate in this investigation and the special election, if one is required.

Thank you for addressing this matter. I appreciate the cooperation of all concerned.

JOHN SYACSURE, III—CENTER LINE, MI, BRANCH 4374

JUNE 17, 2021 (8315)

This is in reply to your letter, dated June 7, 2021, requesting dispensation permitting Branch 4374 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose a reduction in the quorum requirement from 25 to 15 members for the remainder of 2021. This request is based on the difficulties posed by the ongoing COVID pandemic. According to your letter the Branch was only able to achieve a quorum of 25 members at a specially arranged outdoor meeting.

Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation for the remainder of 2021. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

REGAL PHILLIPS—DECATUR, GA, BRANCH 73

JULY 6, 2021 (8324)

This is in reply to your letter, dated July 1, 2021, requesting dispensation permitting Branch 73 to change the date of its November 11 membership meeting to November 4 to avoid having the meeting on the Veterans Day Holiday. According to your letter, this is the meeting at which the Branch will hold nominations for National and State Convention delegates.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the new date for the November Branch meeting is provided to all active and retired members.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

STEVEN PARRIS—JACKSONVILLE, FL, BRANCH 53

JULY 6, 2021 (8330)

This is in reply to your letter to Secretary-Treasurer Nicole Rhine, dated July 1, 2021, which requests a presidential ruling. Specifically, you ask whether a Branch is required to suspend compliance with a motion adopted by vote of the members at a regular meeting because a member has appealed the Branch's action to the National Committee on Appeals.

Generally speaking, the answer to your question is no. The appeals process is governed by Article 11 of the Constitution for the Government of Subordinate and Federal Branches. Nothing in Article 11 requires a Branch to defer compliance with a motion voted upon by its members until the Committee resolves the appeal.

Of course, if the Committee upholds the appeal,



any actions taken by the Branch to implement the motion might have to be unwound. Accordingly, the Branch may elect to defer implementing the motion until the National Committee issues its decision. However, such a deferral is not required.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of any pending appeal.

DAVID STURM—AKRON, OH, BRANCH 148
JULY 8, 2021 (8331)

This is in reply to your email, sent July 6, 2021, requesting dispensation permitting Branch 148 to use an alternative procedure for conducting its nominations of officers and delegates. Normally nominations are made in-person at the September Branch meeting. You request authorization to allow members to submit nominations on a form to be published in the Branch newsletter which they would mail or deliver by hand prior to the September meeting. This alternative procedure is required due to staffing issues in your office which have prevented members from attending Branch meetings.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

KENNETH LERCH—ROCKVILLE, MD, BRANCH 3825
JULY 12, 2021 (8334)

This is in reply to your letter, dated July 1, 2021, asking whether Branch 3825 can continue to conduct its regular monthly meetings on ZOOM, even though its By-laws require that meetings be held at the Rockville Senior Center. According to your letter, the Senior Center has now reopened.

By letter dated December 10, 2020 (copy enclosed), I granted “dispensation for all branches to utilize alternative electronic meeting methods through calendar year 2021, such as video conferencing.” So the answer to your question is yes. So long as the December 10 dispensation remains in effect, the Branch can continue to hold meetings on ZOOM during calendar year 2021.

The Branch may also consider other options, which would be consistent with my dispensation letter. For example, the Branch can conduct an in-person meeting for those who show proof of vaccination, while allowing all other members to participate by ZOOM. Alternatively, the Branch may conduct an in-person meeting for everyone, while enforcing COVID protocols such as distancing and masks and may also allow exemptions from masking requirements for members who provide proof of vaccination.

Finally, we are continuing to monitor the overall situation, and I may modify my dispensation letter at some point in the future.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN RIVERA—SAN JUAN, PR, BRANCH 869
JULY 15, 2021 (8336)

This is in reply to your letter, dated July 13, 2021, requesting a ruling interpreting a provision of the Branch 869 By-laws. Specifically, you ask whether Article VI, Section 12 requires that the members of the Branch Grievance Committee receive the compensation provided therein, even though the Committee has not been meeting or functioning.

I certainly appreciate your concerns. However, I must advise that it would be inappropriate for me to rule on this question. As National President, it is my responsibility to rule on interpretive issues arising under the NALC Constitution. Disputes over the interpretation or application of Branch By-laws must be resolved, in the first instance, at the Branch level.

As Branch President, you have the authority to rule on the meaning of the Branch By-laws. If you conclude that the relevant provisions do not authorize compensation to the Committee members when the Committee isn’t meeting or functioning, you may withhold the payments in question. However, your ruling may be appealed to the Branch under Article 11, Section 1 of the NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB). The Branch’s decision may be appealed to the National Committee on Appeals pursuant to Article 11, Section 2 of the CGSFB.

I trust that the foregoing, at least in part, addresses your concerns.

SEROP KARCHIKYAN—PASADENA, CA, BRANCH 2200
JULY 20, 2021 (8341)

This is in reply to your letter, dated July 16, 2021, requesting dispensation permitting Branch 2200 to conduct its nominations of officers and delegates by ZOOM at the Branch’s October meeting, rather than in-person. You also request authorization to allow candidates seven days after the meeting to accept nomination, rather than three days as provided by the By-laws. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic. According to your email, the Branch is presently conducting hybrid meetings in which members can attend either in-person or by ZOOM.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. However, the Branch should also permit members who cannot participate by ZOOM an opportunity to submit nominations by alternative means, such as by mail or in-person.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JACOB EVANS—WILBURTON, OH, BRANCH 1166
JULY 21, 2021 (8319)

I have received your letter, dated July 7, 2021, responding to Brother John Browne’s protest of the conduct of Branch 1166’s recent vote to merge with Branch 1042.

Upon review of your letter, I conclude that the merger can be approved. Article 2, Section 3(a) of the NALC Constitution requires that the Branch provide “each member” at least thirty days’ notice of the merger vote, “which notice shall set forth the details of the proposed merger.” It appears that Branch 1166 satisfied this requirement by publishing an appropriate and timely notice of the meeting at which the vote was to be conducted in the April issue of *The Postal Record*. The notice did state the essential terms of the proposed merger.

I conclude that the merger vote met the requirements provided by Article 2 of the NALC Constitution. Brother Brown’s other objections claim that the meeting did not comply with Robert’s Rules or provisions of the Branch By-laws governing the conduct of Branch meetings. These objections do not raise any issues under the NALC Constitution. Such objections are insufficient to overturn the vote, particularly where, as here, there is no indication that any such issue would have had any impact on the result.

Finally, Brother Browne lacks standing to raise any objection to the conduct of the merger vote by Branch 1042. We have not received any complaints regarding this matter from any member of Branch 1042.

Accordingly, Brother Browne’s protest is hereby denied. By copy of this letter, I am instructing Secretary-Treasurer Nicole Rhine and the NALC Membership Department to process the merger application.

ANDY TUTTLE—LAWRENCE, KS, KANSAS STATE ASSOCIATION OF LETTER CARRIERS
JULY 27, 2021 (8347)

This is in reply to your letter, dated July 26, 2021, advising that the Kansas State Association of Letter Carriers has rescheduled its convention to October 16-18 due to the ongoing risks posed by the COVID pandemic. The State By-laws provide that the Convention, which includes the nomination and election of state officers, would normally be held in the last week of April. Accordingly, you now request dispensation to postpone nominations and the election until the October convention. Alternatively, you request dispensation to conduct nominations by mail.

Please be advised that you and the Executive Board are authorized to implement either of these options for nominating and electing officers.

Generally speaking, the President and Executive Board of the State Association have the authority under the Constitution to change the date and location of a state convention. The relevant provision is Article 3, Section 1 of the Constitution for the Government of State Associations which reads as follows:

This Association shall meet at least once every three years, at such time and place as may be designated in the by-laws or decided upon by a majority vote at a previous session unless conditions should arise which require a change in the date and place decided upon or designated, when the President and Executive Board shall have authority to make such change of time or place and report same through the Secretary.

The changing of the date of a convention, pursuant to this constitutional authority, would necessarily include changing the time of nominations and the

election of officers which are normally conducted at the convention.

Alternatively, my letter to all Branches and State Associations, dated December 10, 2020, granted general dispensation to conduct all required nominations and elections by mail. I enclose a copy of that letter for your convenience. Thus, this alternative may be implemented by the Kansas State Association.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**ATHENA FRANKLIN—AUGUSTA, GA, BRANCH 263
JULY 28, 2021 (8348)**

This is in reply to your letter, received by my office July 27, 2021, inquiring whether it is permissible for you to receive the \$90 monthly compensation provided to stewards under the Branch 263 By-laws in addition to the compensation you receive as President of the Branch. According to your letter, you have recently appointed yourself to serve as a steward in the Forest Hill Station because of the workload.

Previous rulings have recognized that it is permissible under the NALC Constitution for a member to serve simultaneously as both a branch officer and a steward, so long as the steward position is not a branch office under the By-laws. The rulings have also noted that Branches may authorize the payment of separate salaries to one individual who serves as both an officer and a steward.

However, while I appreciate your concerns, it would be entirely inappropriate for me to comment on the specific issue posed in your letter. As National President, it is my responsibility to interpret the NALC Constitution. The issue described in your letter depends on the interpretation and application of the relevant By-law language. Such disputes must be resolved, in the first instance, at the Branch level. If necessary, any dispute over the interpretation of the By-laws may be resolved by a vote at a Branch meeting. The Branch's decision may be appealed to the National Committee on Appeals, under Article 11 of the Constitution for the Government of Subordinate and Federal Branches.

If the By-laws are ambiguous, I would suggest that the Branch enact a clarifying amendment which reflects the will of the members.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

**WALTER MCGREGORY—TAYLOR, MI, BRANCH 2184
JULY 29, 2021 (8352)**

This is in reply to your letter, dated July 26, 2021, requesting dispensation permitting Branch 2184 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose a reduction in the quorum requirement from 30 to 15 members for the remainder of 2021. This request is based on the difficulties posed by the ongoing COVID pandemic. According to your letter the Branch was unable to achieve a quorum at its April or May meetings which were conducted telephonically. The Branch is tentatively planning to resume in-person meetings this autumn.

Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in

accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation for the remainder of 2021. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**CYNTHIA GOODWIN—LANHAM, MD, BRANCH 4819
AUGUST 3, 2021 (8353)**

This is in reply to your letter, dated August 2 2021, requesting dispensation permitting Branch 4819 to conduct its nominations of officers and delegates by ZOOM at the Branch's November meeting, rather than in-person. Members without computer access will be allowed to call in nominations. This request is based on the ongoing safety risks posed by the coronavirus pandemic.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**RICK ENGLE—STURGIS, SD, SOUTH DAKOTA STATE ASSOCIATION OF LETTER CARRIERS
AUGUST 4, 2021 (8354)**

This is in reply to your email, sent August 2, 2021, requesting dispensation to implement an alternative procedure for the nomination and election of South Dakota State Association officers. You have cancelled the State Association's in-person convention, based on safety concerns stemming from the COVID-19 pandemic. Instead, the convention will be conducted virtually on Friday, September 17. You now request authorization to allow the delegates to nominate officers at the virtual meeting. An election, if necessary, will be conducted by mail ballot.

Your request is certainly reasonable in light of the continuing safety issues posed by the coronavirus pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is provided to all delegates. Delegates who may not be able to participate in the virtual convention should be provided an alternative means of submitting nominations, such as by mail. Branches that have been unable to nominate and elect delegates for the 2021 State Convention due to the pandemic may authorize their delegates to the previous Convention to participate in the nomination and election of state officers.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**SCOTT WILLIAMS—JERSEY CITY, NJ, BRANCH 42
AUGUST 4, 2021 (8359)**

This is in reply to your letter, sent by email on August 3, 2021, requesting dispensation permit-

ting Branch 42 to change the date of its November membership meeting to November 4. According to your letter, this is the meeting at which the Branch will hold nominations for Branch officers and delegates to the 2022 National Convention. Because the Branch's regular meeting date falls on the Veterans Day Holiday, the By-laws would require that the meeting be held on November 18. This would leave insufficient time to prepare and mail ballots to meet the deadline for the election.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of the new date for the November Branch meeting is provided to all active and retired members.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

**PAUL ROZNOWSKI—MADISON HEIGHTS, WI, BRANCH 3126
AUGUST 9, 2021 (8360)**

This is in reply to your letter, dated August 6, 2021, inquiring whether a member who owes back dues would remain eligible to be a candidate for Branch officer or steward. The answer to that question depends on whether the individual has forfeited membership in the NALC under Article 7, Section 4 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

Under Article 7, Section 4 of the CGSFB any member who fails to pay monthly dues for 30 days must forfeit his/her membership. Article 7, Section 4 permits Branches to extend the 30 day grace period for not more than an additional 60 days "for good and sufficient reasons, under reasonable rules uniformly applied." Your letter does not indicate whether Branch 3126 has ever acted to extend the 30 day grace period. Your letter also does not indicate whether Branch 3126 has adopted a procedure for collecting dues from members in non-pay status, or whether it has established a due date for payment of dues by members in non-pay status. The Branch will have to address these issues before determining whether any member has forfeited membership for non-payment of dues.

An additional exception to the forfeiture rule is provided by Article 7, Section 3(b) of the CGSFB. It states that a Branch may exempt any member from dues payments under reasonable rules uniformly applied for a stated period of time. Thus, for example, a Branch could adopt a policy providing that members will be exempt from dues payments while on workers compensation or leave without pay. Your letter does not indicate whether Branch 3126 has ever adopted such a policy. Again, this is a matter which the Branch must determine.

Prior to the time of forfeiture, the member retains full membership rights, including the right to be a candidate for office. But when the point of forfeiture is reached, the member loses all rights of Branch, State Association and National membership. This would include the right to run for or hold office.

However, a member who has forfeited membership would be entitled to reinstatement under Article



7, Section 5 of the CGSFB upon “payment of back . . . dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied.” A member who has been reinstated under Article 7, Section 5 would have full membership rights restored, including the right to run for office.

It is the responsibility of the Branch to apply the above guidelines to individual situations based on the particular fact circumstances. The Branch’s decision is subject to a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns.

BRANCH 860 MEMBERS—HONOLULU, HI
AUGUST 9, 2021 (8361)

This is in reply to the letter, received in my office on August 5, and your emails, sent August 6 and August 9, which were forwarded to me by National Business Agent Bryant Almaro. The letter and your emails assert that the Branch is not following its By-laws and NALC election regulations in connection with its election of officers and that the nominations need to be redone because of inadequate notice.

I do appreciate your concerns. However, it would be entirely inappropriate for the National Union to intervene in this matter at this time. All objections to the conduct of an election, including objections to the conduct of nominations, must be brought in the form of a post-election complaint to the Branch Election Committee under Section 21 of the NALC Regulations Governing Branch Election Procedures. A member cannot by-pass the appeal procedure by seeking a ruling from the National President.

I can provide guidance with respect to the applicable notice requirements. Article 5, Section 4 of the NALC Constitution for the Government of Subordinate and Federal Branches and Section 5.1 of the NALC Regulations Governing Branch Election Procedures (RGBEP) require that a notice of nominations and election be sent by mail to each member of the Branch 45 days before the election, not 45 days before nominations. Section 6.1 of the RGBEP provides that the notice of nominations must be sent out 10 days before the date nominations are held. The limited information contained in your letter does not indicate that the Branch failed to meet these deadlines.

I trust that the foregoing addresses your concerns, at least in part. Thank you again for bringing this matter to my attention.

MATTHEW LEGER—FALL RIVER, MA, BRANCH 51
AUGUST 12, 2021 (8362)

This is in reply to your letter, dated July 25, 2021, concerning a Branch 51 By-law that was recently invalidated by the NALC Committee of Laws. According to your letter, this provision has been in effect for many years and was approved by earlier Committee rulings. The provision in question requires the Branch to pay specified sick and death benefits to its members. You now ask for an explanation of the Committee’s decision.

The relevant provision of the Constitution is Article 8 of the Constitution for the Government of Subordinate and Federal Branches (CFGSFB). This article provides as follows:

ARTICLE 8

Sick Relief and Funeral Benefits

Branches may, at their option, make provision in their by-laws for the payment of sick relief or funeral benefits, enact by-laws for the government of same *and levy additional dues for such purposes, but no Branch shall make it mandatory upon members or applicants for membership to pay such additional dues or take up such benefits in order to retain membership or become members of said Branch.*

(Emphasis supplied.)

Prior rulings interpreting the highlighted language have established that a Branch may not fund a sick or death benefit program from the normal Branch dues structure. Such use of mandatory branch dues—i.e. dues which are a condition of membership—would be inconsistent with that portion of Article 8 stating that “no Branch shall make it mandatory upon members or applicants for membership to pay such additional dues or take up such benefits in order to retain membership or become members of said Branch.” The Branch can arrange to have a separate contribution collected from each member who voluntarily agrees to fund a sick or death benefit program.

In addition, a Branch may vote on a case-by-case basis to provide a gift (such as flowers or a cash donation) to a sick or injured member or to the survivor of a deceased member. Each such expenditure of Branch funds would have to be approved by “a majority vote of the members present and voting at a regular meeting,” as provided by Article 12, Section 3 of the CFGSFB. A decision to provide a gift on one occasion would not require the Branch to make a gift in any other situation. In this scenario the gift would not represent a mandatory benefit or obligation of Branch membership and, therefore, would be outside of the scope of the prohibition set forth in Article 8.

In all candor, I cannot explain why earlier Committees approved the By-law provision in question. The membership of the Committee changes over time. I can only speculate that the earlier members simply missed the issue. I am sorry if this error has caused inconvenience to the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID GROSSKOPF, JR., - CHEEKTOWAGA, NY, BRANCH 3
AUGUST 12, 2021 (8365)

This is in reply to your email, sent August 11, 2021, requesting dispensation to extend the time for Branch 3 to process and vote on pending charges under Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). According to your email, the committee investigating the charges has not been able to meet with the parties and has advised you that it will be unable to complete its investigation in time to report to the next scheduled Branch meeting on September 14.

At the outset, the requested dispensation may not be necessary. Article 10, Section 1 of the CGSFB does contemplate that after charges are read at a Branch meeting, an investigating committee will be appointed and report to the Branch at the next meeting, at which time the members will vote on

the charges. However, Article 10, Section 1 also provides that “the vote regarding [charges] may be continued once, by motion to the following regular Branch meeting.” This language allows Branches to entertain and approve a motion to postpone consideration of the charges to the following meeting. Accordingly, the Branch has the authority to postpone consideration of the charges to the October meeting.

Prior rulings have also recognized that circumstances sometimes arise which prevent an investigating committee from completing its investigation within the time frame provided by Article 10, Section 1. The rulings have instructed committees in these circumstances to complete their investigations as soon as possible.

Accordingly, if the committee cannot complete its investigation in time for the October meeting, this letter shall constitute dispensation to further extend its time to report to the Branch to the extent necessary.

I trust that the foregoing addresses your concerns.

NANCY BALLINGER-PULLIAM—WINCHESTER, KS, BRANCH 141
AUGUST 16, 2021 (8366)

This is in reply to your letter, dated August 11, 2021, concerning the appointment of a committee to investigate charges against the former President of Branch 141. According to your letter, you do not believe you will be able to appoint a committee of three members who are disinterested in the charges.

Your request for assistance in appointing the committee appears to be reasonable in light of the facts presented in your letter. Accordingly, by copy of this letter I am directing National Business Agent Michael Birkett, or a representative from his office whom he may designate, to appoint the investigating committee. If necessary, Brother Birkett, or his designee, may contact Branches located near Branch 141 and arrange for the appointment of a committee to investigate the charges consisting of three members from outside the Branch.

Please contact Brother Birkett and provide him with a copy of the charges.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

WALTER SANKO—SCRANTON, PA, BRANCH 17
AUGUST 16, 2021 (8370)

This is in reply to your letter, dated August 7, 2021, requesting a ruling as to whether you may appoint a letter carrier to the position of shop steward in the Taylor, Pennsylvania Post Office, notwithstanding the fact that he has served as a supervisor within the last two years. According to your letter, stewards in Branch 17 are appointed, not elected.

At the outset, I fully appreciate this member’s interest in serving. Nonetheless, I must advise that the appointment is not permissible.

Article 5, Section 2 of the Constitution for the Government of Subordinate and Federal Branches specifically provides that “All regular members shall be eligible to hold any office or position in the Branch, except that a member who voluntarily or otherwise, holds, accepts, or applies for a supervisory position in the Postal Career Service for any period of time . . . shall immediately vacate any office held, and

shall be ineligible to run for any office or other position for a period of two (2) years after termination of such supervisory status.” (Emphasis supplied.) There are no exemptions from this rule. Moreover, in response to your specific question, the disqualification applies regardless of whether the member is elected or appointed to the position.

I recognize that appointing this individual may be in the best interest of the membership. Nonetheless, the Constitution prohibits you from appointing him until a period of two years has elapsed following the termination of his supervisory status.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**JAY RICKE—OAK BROOK, IL, BRANCH 825
AUGUST 17, 2021 (8364)**

This is in reply to your letter, dated August 5, 2021, concerning the National Business Agent’s involvement in a grievance from Branch 825 that is the subject of an ongoing arbitration. My comments below are directed at the specific questions posed at the close of your letter.

With respect to the first and third numbered questions, the relevant constitutional provisions are Article 9, Section 2(c) of the NALC Constitution and Article 6, Section 1 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). As you accurately note, Article 6, Section 1 of the CGSFB expressly provides that the President of the Branch “shall, by virtue of his/her office, be the chief steward of the Branch.” However, in administering the grievance process all Branch officers and National Business Agents are subject to the overarching authority of the Executive Vice President under Article 9, Section 2(c) of the National Constitution. That section states that the Executive Vice President “shall have primary operational responsibility for giving guidance and direction regarding interpretation of contracts [and] the processing of grievances.” This section also states that the Executive Vice President “shall be in charge of administering, policing, and advising upon matters relating to collective bargaining relationships and the national bargaining agreements, and local supplements there-to.”

It is my understanding that Executive Vice President Renfro has implemented a process which may authorize NBA Caref to assume primary responsibility for processing grievances arising in Branch 825, which responsibility may include the authority to settle or not settle particular grievances. This procedure is consistent with Brother Renfro’s authority under the Constitution.

The second numbered questions involve the collective bargaining agreement, rather than the Constitution. I refer you to Article 15.2 of the National Agreement. The 2021 Joint Contract

Administration Manual contains an explanation of the relevant contractual language on p. 15-6.

I trust that the foregoing addresses your concerns. Please feel free to continue discussing this matter with Brother Renfro.

**MARVIN BOLIN—SAN FRANCISCO, CA, BRANCH 214
AUGUST 18, 2021 (8372)**

This is in reply to your letter, dated August 3, 2021. According to your letter, the Branch recently

voted to reject charges against a steward. The steward is now requesting all documents, information, and interview notes pertaining to the investigation of the charges. You now request guidance as to what information the Branch must provide.

Hypothetically, if the Branch had sustained the charges and the steward appealed the Branch’s decision, Article 11, Section 2 of the Constitution for the Government of Subordinate and Federal Branches would control. It provides that:

An appellant’s request for documents and records to support his/her appeal shall not be unreasonably denied by the Branch.

However, here the charges were rejected and there is no pending appeal. There are no provisions in the Constitution which address this situation. Accordingly, the Branch has discretion to respond to the steward’s request as it deems appropriate.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**MARK PIZZO—ATHENS, GA, BRANCH 588
AUGUST 18, 2021 (8377)**

This is in reply to your letter, received by my office on August 17, 2021, concerning the appointment of a committee to investigate charges against former officers of Branch 588. According to your letter, you do not believe you will be able to appoint a committee of three members who are disinterested in the charges.

Your request for assistance in appointing the committee appears to be reasonable in light of the facts presented in your letter. Accordingly, by copy of this letter I am directing National Business Agent Lynne Pendleton, or a representative from her office whom she may designate, to appoint the investigating committee. If necessary, Sister Pendleton, or her designee, may contact Branches located near Branch 588 and arrange for the appointment of a committee to investigate the charges consisting of three members from outside the Branch.

Please contact Sister Pendleton and provide her with a copy of the charges.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**MARK BARE—GRAHAM, NC, BRANCH 2262
AUGUST 19, 2021 (8376)**

This is in reply to your letter, dated August 11, 2021, advising that Branch 2262 intends to continue to conduct its monthly meetings virtually in light of the worsening of the COVID pandemic. You now request confirmation that the Branch may conduct its nominations in November virtually and its election by mail, even though the Branch By-laws require that nominations and the election occur at in-person meetings.

By letter dated December 10, 2020, I granted all Branches and State Associations dispensation to conduct meetings by video conference and nominations and elections by mail during 2021. That letter also invited Branches to request dispensation to use different procedures for nominations and elections.

Consistent with my December 10 letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, this will confirm that Branch 2262 may conduct its nomination of officers and delegates at the Branch’s virtual meeting in

November and may conduct its election by mail ballot. However, the Branch should also permit members who cannot participate in the virtual meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers and delegates is sent by mail to all active and retired members of the Branch. In addition, you may contact Assistant Secretary-Treasurer Paul Barner for advice on these issues.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**AL GRIFFIN—EVANSVILLE, IN, BRANCH 377
SEPTEMBER 1, 2021 (8381)**

This is in reply to your email, sent August 22, 2021, inquiring whether you have the authority as President of Branch 377 to rule that members are not eligible to be nominated to steward positions in stations where they are not assigned.

Generally speaking, the NALC Constitution does not contain any provisions prohibiting the election of a member working in one station to serve as a steward in another station. Article 4, Section 5 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that stewards may be appointed or elected “within the respective stations” as “may be determined” by the Branch. Thus, so far as the Constitution is concerned, it is up to the Branch to decide whether members are ineligible for nomination to serve as stewards in any particular office under the Branch By-laws.

It would be entirely inappropriate for me to comment on the interpretation or application of the current Branch 377 By-laws with respect to the issue posed in your email. As National President, it is my responsibility to interpret the NALC Constitution. However, the issue described in your letter depends on the interpretation and application of the relevant By-law language. Such disputes must be resolved, in the first instance, at the Branch level.

As President of the Branch, you are authorized to interpret the Branch By-laws. The decision of the Branch President interpreting a By-law may be formally appealed, initially to the Branch itself, in accordance with the procedure set forth in Article 11, Section 1 of the CGSFB. The decision of the Branch may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

I trust that the foregoing, at least in part, addresses your concerns.

**RICHARD RAY—STATEN ISLAND, NY, BRANCH 99
SEPTEMBER 1, 2021 (8384)**

This is in reply to your letter, dated August 24, 2021, advising that Branch 99 intends to continue to conduct its monthly meetings by ZOOM for the health and safety of the members. You now request confirmation that the Branch may conduct its nominations for the Branch Executive Board in October on its ZOOM platform. The election will be by mail ballot, with the results to be announced at the December meeting.

By letter dated December 10, 2020, I granted all Branches and State Associations dispensation to



conduct meetings by video conference and nominations and elections by mail during 2021. That letter also invited Branches to request dispensation to use different procedures for nominations and elections.

Consistent with my December 10 letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, this will confirm that Branch 99 may conduct its nomination of officers and delegates at the Branch's ZOOM meeting in October and may conduct its election by mail ballot. However, the Branch should also permit members who cannot participate in the ZOOM meeting an opportunity to submit nominations by alternative means, such as by mail.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing officers is sent by mail to all active and retired members of the Branch. In addition, you may contact Assistant Secretary-Treasurer Paul Barner for advice on these issues.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

CARLOS ASHERS—ROSWELL, GA, BRANCH 4862
SEPTEMBER 1, 2021 (8385)

This is in reply to your letter, dated August 23, 2021, requesting dispensation to delay Branch 4862's nominations and election from September and October, respectively, to October and November. This delay is necessary because the Branch inadvertently missed the deadline for submitting a timely notice of nominations and election for publication in the Postal Record.

In light of the circumstances set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that a timely notice of nominations and election is published in The Postal Record or otherwise sent by mail to all active and retired members.

I trust that the foregoing addresses your concerns.

NANCY BALLINGER-PULLIAM - WINCHESTER, KS, BRANCH 141
SEPTEMBER 3, 2021 (8392)

This is in reply to your letter, dated August 23, 2021, concerning the pending charges against Sister Collette Wallisch. According to your letter, the membership of Branch 141 will not be able to decide the merits of the charges objectively. You now ask whether the investigating committee appointed by the National Business Agent can be authorized to decide what penalties, if any, should be imposed.

The short answer to your question is no. Charges filed under Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) must be processed in accordance with the procedures set forth therein. As specified in Article 10, Section 3, the committee will be required to investigate the charges and submit a written report to the Branch incorporating its findings of fact. Section 3 specifically provides that the members in attendance will decide by majority vote whether or not the facts, as found by the committee, sustain the charge.

To be sure, the committee may communicate its opinion as to the sufficiency of the charges to the

members. But the Constitution requires that the members vote on the charges and any penalty, if the charges are sustained.

Please understand that the Branch's decision will be subject to appeal to the National Committee on Appeal under Article 11 of the CGSFB.

Finally, by copy of this letter I am authorizing National Business Agent Michael Birkett to designate a representative from his office to attend the meeting at which the charges will be considered and to provide whatever assistance may be appropriate, including assuming the chair when the investigating committee presents its report and the vote is conducted.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

REGAL PHILLIPS—DECATUR, GA, BRANCH 73
SEPTEMBER 14, 2021 (8402)

This is in reply to your letter, dated September 10, 2021, requesting dispensation permitting Branch 73 to conduct its nominations of officers at a virtual meeting on ZOOM on October 14, and to conduct nominations of delegates to the State and National Conventions at a meeting on ZOOM on November 4. Members will also have the opportunity to submit written nominations to the Recording Secretary.

Your request is certainly reasonable in light of the ongoing risks posed by the COVID-19 pandemic. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

In addition, in order to facilitate both meetings, I am authorizing Regional Grievance Assistant Eric Sloan to be responsible for hosting both meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN SYACURE, III—CENTER LINE, MI, BRANCH 4374
SEPTEMBER 20, 2021 (8403)

This is in reply to your letter, dated September 15, 2021, requesting dispensation permitting Branch 4374 to postpone its nomination of delegates to the National Convention from September 7 to October 5. This delay is necessary because of the ongoing risks posed by the pandemic and recent fire damage to your building.

In light of the circumstances set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that a timely notice of this change is sent by mail to all active and retired members as stated in your letter.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JERRY CORDLE—LEESBURG, GA, BRANCH 4040
SEPTEMBER 20, 2021 (8404)

This is in reply to your letter, received September 15, 2021, advising that Branch 4040 has been unable to conduct its regular nominations and election of officers in accordance with the dates specified in its By-laws. This situation has arisen because the current President is presently serving in the

military and all other Branch officers have resigned.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 4040 dispensation to postpone its nominations and election. In addition, by copy of this letter, I am directing National Business Agent Lynne Pendleton to designate a representative from her office to take charge of this election. Sister Pendleton's designee is authorized to set the dates for nominations and the election; to appoint an election committee; to arrange for an appropriate notice of nominations and election to be sent by first class mail to all active and retired members of the Branch; to act as chair of any Branch meetings; and to take any additional actions which may be necessary to ensure that the election is conducted properly and as expeditiously as possible.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID ING—HONOLULU, HI, BRANCH 4682
SEPTEMBER 20, 2021 (8405)

This is in reply to your letter, dated September 8, 2021, in which you raise two questions pertaining to the election of officers in Branch 4682.

As to your first question, the postponement of this election was consistent with my prior grant of dispensation to all Branches to postpone elections as necessary in light of the ongoing coronavirus pandemic. An additional request for dispensation was not necessary.

The second issue raised in your letter concerns the fact that the notice of nominations and election did not list all the positions set forth in Article 4, Section 1 of the Constitution for the Government of Subordinate and Federal Branches. (CGSFB). However, your letter also indicates that the list in the notice was consistent with the officer positions provided for by the Branch By-laws.

It is permissible for the Branch to have fewer elected officers than those listed in the Constitution, so long as the By-laws guarantee that only elected officers handle the duties assigned to the officers listed in the Constitution. Article 4, Section 3 of the CGSFB specifically provides that "with the exception of the office of President, Branches may consolidate the offices of the Branch." Accordingly, the limited information in your letter does not indicate that there is a problem.

I trust that the foregoing addresses your concerns. I caution that this letter should not be read to address any issue that may be raised in any post-election appeal.

MATT TANNER—LANSING, MI, BRANCH 122
SEPTEMBER 28, 2021 (8407)

This is in reply to your letter, dated September 16, 2021, requesting a ruling concerning the eligibility of delegates to receive funds from Branch 122 for attendance at the National Convention. According to your letter, no delegates will be able to satisfy the minimum eight meeting attendance requirement set forth in the Branch By-laws because the Branch has had only four meetings this year due to COVID restrictions in Michigan.

It does appear that the By-laws preclude payment, so that your request for dispensation from

me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Branch 122 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of paid delegate positions to which members may be elected.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JANEL HARRIS—GRAND FORKS, ND, BRANCH 517

SEPTEMBER 28, 2021 (8410)

This is in reply to your email, sent September 23, 2021, requesting dispensation permitting Branch 517 to conduct its nominations of officers and delegates at its meeting on October 14, even if a quorum is not present. According to your email, the Branch has been struggling to achieve a quorum at its meetings due to COVID-19.

Normally, Branches should not conduct any official business in the absence of a quorum. However, due to the extraordinary difficulties posed by the COVID pandemic, your request is certainly reasonable. Therefore, pursuant to my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation, subject to the following qualification.

The Branch must allow members who cannot attend the meeting to submit nominations in writing which they may mail or deliver by hand prior to the October 14 meeting. Notice of this option should be provided to the members as expeditiously as possible.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

KEITH HOOKS—WASHINGTON, DC, BRANCH 142

SEPTEMBER 28, 2021 (8411)

This is in reply to your email, sent September 23, 2021, requesting dispensation permitting Branch 142 to conduct a late election of delegates to the National and State Conventions. According to your letter, the Branch failed to arrange for timely publication of a notice of nominations and election of delegates in *The Postal Record*. Accordingly, you now ask for permission to conduct nominations in December 2021 and to hold the election of delegates in January 2022.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please arrange for timely publication of the appropriate notice. This dispensation releases Branch 142 from the requirement to elect its delegates by December of the year proceeding the convention year, as provided by Article 5,

Section 4 of the NALC Constitution.

As I have noted in previous correspondence to Branch 142 Presidents, the failure to conduct timely delegate elections appears to be a recurring issue. Our records indicate that dispensations permitting late election of delegates were issued to the Branch in 2016, 2011, 2009, 2006, and 1998. The Branch must adhere to all deadlines provided by the Constitution, the NALC Regulations Governing Branch Election Procedures, and its By-laws. The present dispensation applies only to the 2021 election of delegates. I urge you to put in place procedures that will prevent this problem from arising in the future.

I trust that the foregoing addresses your concerns.

DAVID GROSSKOPF, JR.—CHEEKTOWAGA, NY, BRANCH 3

SEPTEMBER 30, 2021 (8416)

This is in reply to your email, sent September 29, 2021, regarding the investigation of charges filed by a member of Branch 3. According to your email, the charging party did not attend the first of a number of scheduled hearings. You now ask whether the committee should conduct the remaining hearings.

While I appreciate your concerns, I must advise that your email does not contain sufficient information for me to make a specific recommendation. The committee has discretion to decide how to proceed. It certainly can reach out to the member who filed the charges to obtain an explanation for what occurred.

Apart from the foregoing, I can offer the following general guidance.

Article 10, Section 3 of the Constitution for the Government of Subordinate and Federal Branches explicitly states that the parties “are entitled to be heard by the committee [and] to present evidence.” This language vests the committee with discretion to schedule the hearing times, although in exercising this discretion it must take care to ensure that the parties are given a fair opportunity to exercise their rights to be heard, to present evidence, and to cross-examine witnesses.

The charged or charging party are certainly entitled to request that the hearing be scheduled at convenient times, and the committee would have discretion to honor that request. However, a party who elects not to attend a scheduled hearing would run the risk of waiving their Article 10 rights. The failure of either party to attend the hearing would not bar the committee from completing its investigation based on the evidence available to it and reporting to the Branch.

A member who files charges against another member is expected to present to the committee evidence in support of the charges. If the charging party declines to attend the hearing or present evidence, that fact may be included in the committee’s report to the Branch.

At the same time, the parties are entitled to a fair hearing. If a party believes that the investigating committee has abused its discretion so as to compromise the fairness of the hearing, that argument could be raised as an issue in any appeal to the National Committee on Appeals following the Branch’s decision.

I trust that the foregoing addresses your concerns, at least in part.

YVONKA RAYFIELD—TEXARKANA, TX, BRANCH 569

OCTOBER 4, 2021 (8417)

This is in reply to your letter, dated September 20, 2021, concerning your continuing dispute with the Treasurer of Branch 569. Your email requests dispensation allowing you to remove her from her position based on your claim that she is not discharging the duties of her office.

At the outset, while I appreciate your concerns, I must advise that the requested dispensation would be inappropriate, particularly since I only have your side of the story before me. The dispute described in your letter must be addressed initially at the branch level. I can advise you of the following general principles.

As previous rulings have consistently recognized, a Branch President may not summarily remove another Branch officer. It is of no significance whether the officer was elected or appointed by the Branch President. The President’s authority to fill vacancies where no provision for succession is made in the Branch By-Laws derives from Article 4, Section 3 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). That section specifically states that “the Branch President may appoint the successor *until the next regular election*.” (Emphasis supplied.)

The appropriate procedure for removing an officer is to initiate charges under Article 10 of the CGSFB. Section 1 of Article 10 provides that “Any officer who shall fail or neglect to discharge the duties of his/her office . . . may be removed from office.” However, under Article 10, such removal cannot take place until written charges have been filed and investigated by an appointed committee, and then voted on by the Branch at a meeting.

In the interim, you may address the problem of a non-performing officer pursuant to your authority under Article 6, Section 1 of the CGSFB. This section provides that the Branch President shall “have general supervisory powers over the Branch,” which includes the authority to “see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch.” As previous rulings have consistently recognized, this provision confers upon the Branch President supervisory authority over subordinate officers. Accordingly, as President you would have the authority to order the Treasurer to give you any Branch records or property in her possession and may temporarily reassign the duties of the Treasurer to another officer or member pending the disposition of any charges.

Any such action, however, would be subject to appeal under the provisions of Article 11 of the CGSFB. As provided by Article 11, Section 1, any decision of the Branch President may be appealed to the Branch. The Branch’s decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB. I express no view as to the merits of any potential appeal or any charges that may be initiated.

I trust that the foregoing, at least in part, addresses your concerns.


MICHAEL HAMILTON—CHARLESTON, SC, SOUTH CAROLINA STATE ASSOCIATION OF LETTER CARRIERS
OCTOBER 4, 2021 (8420)

This is in reply to Sister Willoughby's email, sent October 1, 2021, regarding her investigation of the election of officers of the South Carolina State Association of Letter Carriers (SCALC). A copy of her email is enclosed.

In accordance with my letter of July 8, Sister Willoughby has voided the election, apparently with the concurrence of the State Association Executive Board. She now requests dispensation permitting the SCALC to hold a one day convention at which new nominations and an election will take place. She advises that you concur with this request.

Accordingly, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The SCALC may conduct a one day convention, notwithstanding any contrary provisions in its By-laws, as set forth in the memorandum attached to Sister Willoughby's email.

Each Branch's most recently elected delegates (either in 2019 or 2020) may attend the Convention. Please work with Sister Willoughby to ensure that timely notice of the convention and election is provided to each Branch.

Thank you for your cooperation in this matter.

JOHN ODEGARD—ANN ARBOR, MI, BRANCH 434
OCTOBER 6, 2021 (8422)

This is in reply to your letter, dated September 29, 2021, requesting dispensation permitting Branch 434 to conduct its upcoming election of officers and delegates by mail ballot, rather than in-person at its November meeting, as provided by its By-laws. This request is based on the ongoing safety risks posed by the COVID-19 pandemic. According to your letter, the Branch's union hall is too small to allow appropriate social distancing. The Branch has secured a larger meeting space for its October nominations meeting, but this space is not available for the November 17 election meeting.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that appropriate notice of this change is provided to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

TAMMY SWANEY & ISAIAH WHITE—SAVANNAH, GA, BRANCH 578
OCTOBER 7, 2021 (8424)

This is in reply to your two letters, sent by email on October 7, 2021, advising that Branch 578 does not have a President or Vice President. Apparently, Branch President Bob Covino has resigned. Brother Covino, who had been Vice President, assumed the presidency following the resignation of former President Bynoskia Sams. You further advise that the Branch By-laws do not provide for a succession to office. The Branch will hold its regular election in December.

Brother Covino's letter of resignation clearly indicates that he anticipated that Sister Swaney would succeed him as President. However, Article 6, Section 2 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) requires that the Vice President of the Branch succeed to the presidency in the event that the President leaves office. The Vice President, upon becoming President, would then have the authority to fill the resulting vacancy in the office of Vice President by appointment, as provided by Article 4, Section 2 of the CGSFB, unless the Branch has enacted By-laws which provide an order of succession.

In this case, Brother Covino should have appointed Sister Swaney to be Vice President before he resigned to assure that she would succeed him. Since he failed to do so, dispensation from me is appropriate to resolve this situation and assure that the Branch can continue to function.

Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 578 dispensation permitting Sister Swaney to serve as President of the Branch until the next slate of officers is installed following the election in December. As President, Sister Swaney may appoint a member to serve as Vice President for the balance of the present term.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

GEORGE LEE—OAK PARK, IL, BRANCH 608
OCTOBER 18, 2021 (8431)

This is in reply to your letter, dated October 11, 2021, in which you raise several issues pertaining to a motion passed by the members in attendance at Branch 608's meeting on September 28 to have a special meeting within thirty days to discuss merging with Branch 11. Specifically, you ask whether this motion is valid.

Article 3, Section 2 of the NALC Constitution for the Government of Subordinate and Federal Branches provides that "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." (Emphasis added.) The phrase "vote of the Branch," as used in Article 3, Section 2, refers to a vote taken at a regular meeting to conduct a special meeting for a specified purpose. Accordingly, the motion described in your letter appears to have been consistent with the Constitution and otherwise appropriate.

However, the motion only authorizes the Branch to discuss the possibility of merging with Branch 11. It would not be appropriate for the members to vote on a "merger" proposal where there have been no prior discussions with Branch 11 and no tentative agreement on the details of the merger.

The merger process is described in Article 2, Section 3 of the NALC Constitution. Two Branches seeking to merge must first enter into a proposed merger agreement. The provisions of Article 2, Section 3 require that any such agreement must be approved by the members of both Branches voting at a regular or special meeting. Under the scheme set out in Article 2 Section 3, before a vote on a proposed merger may be taken, the details of the proposed merger must be developed and included

in a notice to the members, which must be provided at least thirty days before the meeting at which the vote takes place. Such details include:

(c) the identity and geographic area covered by the Branch which will emerge from, or the name and number of the Branch which will survive [and]

(d) any agreement or agreements between the applying Branches concerning by-laws, dues structure, terms and identity of officers, disposition of assets, assumption of liabilities, if any, and proposed effective date of the merger or absorption shall be specified.

Accordingly, the members may vote to direct you to contact Branch 11 and initiate discussions of a possible merger. Such a vote would not be limited to the members who attended the September meeting. But until such time as the officers of both Branches negotiate a specific merger agreement, there would be no basis for having a merger vote based on the procedures outlined in Article 2, Section 3.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ANTHONY WEDDLE—LOUISVILLE, KY, BRANCH 14
OCTOBER 18, 2021 (8433)

This is in reply to your letter, dated October 14, 2021, concerning the eligibility of delegates to receive funds from Branch 14 for attendance at the National Convention. According to your letter, delegates may not be able to satisfy the minimum meeting attendance requirement set forth in the Branch By-laws because the Branch cancelled five meetings in 2020 and 2021 due to the impact of the COVID pandemic in Kentucky. You now ask for dispensation permitting the Branch to credit members for attendance at the five cancelled meetings.

Your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Branch 14 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate who does satisfy the requirements provided by the Branch By-laws must be approved by a majority vote of the members present and voting at a regular meeting as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may authorize such payment by voting to credit delegates with attendance at the five cancelled meetings, as suggested in your letter.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

RAY HILL—CHATSORTH, CA, BRANCH 2902
OCTOBER 19, 2021 (8432)

This is in reply to your letter, sent by email on October 15, 2021, requesting dispensation permitting Branch 2902 to conduct its nominations of national and state delegates by ZOOM at the Branch's December and January meetings, rather than in-person. Members will also be able to submit nominations by telephone conference connection to the meetings

or by mail until the close of the January meeting. This alternative procedure is required due to the ongoing safety risks posed by the coronavirus pandemic. According to your letter, the Branch is presently conducting virtual meetings in which members can attend either or by ZOOM or telephone.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. This dispensation authorizes the Branch to postpone the mailing of ballots until twenty days prior to February 17, 2022, as requested.

Please make sure that an appropriate and timely notice of the procedures to be followed in nominating and electing delegates is published in *The Postal Record* or otherwise sent by mail to all active and retired members of the Branch.

In addition, based on the facts set forth in your letter, I hereby grant dispensation permitting Branch 2902 to pay Branch funds to its delegates to the National Convention, notwithstanding the inability of the Branch to determine whether these delegates have met the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of paid delegate positions to which members may be elected and any attendance criteria delegates must satisfy going forward in order to receive payment.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**DAVID ING—HONOLULU, HI, BRANCH 4682
OCTOBER 20, 2021 (8435)**

This is in reply to your email to my assistant, sent October 18, 2021, inquiring whether you may submit an election appeal directly to the National Union because the Election Committee has failed to respond to the appeal in a timely manner.

At the outset, please understand that I cannot rule on this specific case, particularly since I only have your version of the facts before me. I can provide the following guidance.

Section 21.2 of the NALC Regulations Governing Branch Election Procedures (RGBEP) provides that the Election Committee “must respond in writing within thirty (30) days” to post-election appeals. Prior rulings have recognized that if the requisite amount of time has passed and the Committee has not responded, the appellant may either wait for the Committee to issue a decision or proceed to the next step of the appeal procedure. This would be an appeal to the Branch Executive Board.

The appeal process requires the Executive Board to rule on such an appeal in writing within thirty days. That decision may be appealed to the Branch. A member may appeal to the National Committee on Appeals only from a decision of the Branch, as set forth in Section 21.4 of the RGBEP.

I trust that the foregoing addresses your concerns. I suggest that you contact your National Business

Agent, Bryant Almario, to discuss other issues referenced in your email.

Finally, this letter should not be read to express any opinion as to the merits of your appeal.

**MARVIN BOLIN—SAN FRANCISCO, CA, BRANCH 214
OCTOBER 21, 2021 (8438)**

This is in reply to your letter, dated October 18, 2021, concerning your decision as President of Branch 214 to relieve a steward of certain duties, based on her performance, and to assign those duties to other stewards. You now ask whether your decision may be appealed and overturned at the next Branch meeting.

It would be inappropriate for me to comment on the specific allegations against the steward set forth in your letter, particularly since I only have your side of the story before me. I can provide the following general guidance regarding the supervision or suspension of stewards.

Under the Constitution, the President of a Branch is empowered to enforce the obligations of all other officers and stewards. Article 6, Section 1 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that the Branch President shall have “general supervisory powers over the Branch” and the authority to “see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch.” In addition, under Article 6, Section 1 of the CGSFB, the Branch President is designated Chief Shop Steward. The President, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties, regardless of whether the stewards are appointed or elected.

Consistent with this authority, Article 6, Section 1 of the CGSFB expressly provides that a Branch President has “the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy.”

However, any such decision by a Branch President is subject to direct appeal to the Branch under Article 11, Section 1 of the CGSFB. The appeal must be presented at the next scheduled meeting of the Branch. The members of the Branch must then vote on the appeal. If the members vote in favor of the appeal, the President may appeal their decision to the National Committee of Appeals in accordance with the procedures provided by Article 11, Section 2 of the CGSFB. In addition, the Branch President may consult with the National Business Agent about the possible certification of an outside steward under Article 17 of the National Agreement.

I trust that the foregoing addresses your concerns. Once again, this letter should not be read to express any view as to the merits of any appeal.

**ROBERT PEMBERTON & CYNTHIA SMITH—ATHENS, GA, BRANCH 588
OCTOBER 22, 2021 (8440)**

This is in reply to your letter, dated October 19,

2021, requesting dispensation permitting Branch 588 to reschedule its nomination of delegates to the 2022 National Convention to its November meeting. According to your letter, the Branch was unable to hold its nominations as scheduled at its October meeting due to time needed to address other business.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 588 dispensation to conduct nominations for its delegates at its November 2021 meeting. If necessary, an election may be conducted at the next scheduled meeting. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2021 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the Constitution, and the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns.

**KEITH WHEAT—BEAUMONT, TX, BRANCH 842
OCTOBER 25, 2021 (8441)**

This is in reply to your letter, sent by email on October 21, 2021, requesting dispensation permitting Branch 842 to waive the minimum meeting attendance requirement set forth in the Branch By-laws for paid delegates to the 2022 National Convention. The By-laws apparently require that delegates must have attended 10 meetings over the last 12 months in order to receive payment. According to your letter, the Branch did not have a quorum for four meetings over the last 12 months due to COVID and staffing issues.

It does appear that the By-laws preclude payment, so that your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Branch 842 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of paid delegate positions to which members may be elected and any criteria delegates must satisfy in order to receive Branch funds.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**NEVAL HOSKINS, JR.—OLYMPIA, WA, BRANCH 351
NOVEMBER 2, 2021 (8448)**

This is in reply to your letter, sent by email on November 1, 2021, requesting dispensation permitting Branch 351 to reschedule its nomination and election of delegates to the 2022 National Convention to its January 5 meeting. According to your letter,



the Branch failed to identify its alternate delegates at the original nominations meeting. You also request dispensation to conduct a special election for the Board of Trustees because the Branch failed to complete nominations for that position at the regular nominations meeting.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 351 dispensation to conduct nominations for its delegates and Board of Trustees at its January 5 2022 meeting. If necessary, an election may be conducted at the next scheduled meeting. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2021 nomination and election of delegates and trustees. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the Constitution, and the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns.

RICARDO GUZMAN—SAN DIEGO, CA, BRANCH 70
NOVEMBER 4, 2021 (8449)

This is in reply to your letter, dated October 25, 2021, requesting dispensation permitting those delegates from Branch 70 who were elected to represent the Branch at the 2020 National and State Conventions to qualify for the 2022 Conventions. You also request dispensation permitting the Branch to compensate delegates who would have met the meeting attendance requirement for compensation set forth in the Branch By-laws in 2020. According to your letter, this dispensation is required because the Branch has not been conducting Branch meetings due to the COVID pandemic.

At the outset, under the NALC Constitution the Branch may register the delegates elected to the 2020 National Convention for the 2022 Convention. Article 4, Section 2 of NALC Constitution provides: "Each delegate shall serve from the biennial meeting of the National Association succeeding his/her election until the next biennial meeting." Since the 2020 National Convention was cancelled, the "next meeting" following the election of the 2020 delegates is the 2022 Convention. Therefore, those delegates remain eligible to serve.

Similarly, the only requirement for delegates to the State Convention set forth in the Constitution is that, like delegates to the National Convention, they must have been elected "no later than December of the year preceding the Convention year." Article 5, Section 4. Obviously, those delegates who were elected to attend the 2020 conventions satisfy this requirement.

Notwithstanding the foregoing, the Branch should consider using alternative procedures, such as mail or a virtual meeting, to nominate and elect delegates, particularly if there are unfilled delegate positions. I encourage you to contact Assistant Secretary-Treasurer Paul Barner for advice on alternative procedures.

Finally, in light of the facts set forth in your letter, and in accordance with my authority under Article

9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation with respect to the eligibility of delegates to receive compensation. Branch 70 may compensate those delegates to the 2022 National and State Conventions who would have qualified for compensation under the Branch By-laws if they had attended the 2020 Conventions.

I trust that the foregoing addresses your concerns.

SHEILA GARDNER—SAN FRANCISCO, CA, BRANCH 214
NOVEMBER 4, 2021 (8454)

This is in reply to your letter, dated November 3, 2021, requesting dispensation permitting Branch 214 to postpone its election of delegates to the National and State Conventions until February 2, 2022. This delay is necessary because you were unable to send out a timely notice of nominations and election 45 days before the December meeting at which delegates are normally elected.

In light of the circumstances set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that a timely notice of this change is published in The Postal Record or otherwise sent by mail to all active and retired members as stated in your letter.

Please understand that this dispensation extends only to the 2021 election of delegates. In the future, the Branch must adhere to the time frames provided by the Constitution, NALC Regulations Governing Branch Election Procedures, and the Branch By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

PAMELA JOHNSON—LYNCHBURG, VA, BRANCH 325
NOVEMBER 4, 2021 (8456)

This is in reply to your letter, sent to my office on November 2, 2021, requesting dispensation permitting Branch 325 to conduct new nominations of officers in order to correct errors that were made at the regular nominations meeting.

In light of the circumstances set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. A timely notice of the new nominations and the date of an election, if necessary, should be sent by mail to all active and retired members of the Branch.

Please understand that this dispensation extends only to the 2021 election. In the future, the Branch must adhere to the time frames provided by the Constitution, NALC Regulations Governing Branch Election Procedures, and the Branch By-laws. Please continue to consult with National Business Agent Vada Preston to ensure compliance with NALC's election rules.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

KRISTINE FIATOA—PEARL CITY, HI, BRANCH 4682
NOVEMBER 5, 2021 (8459)

This is in reply to your letter, dated November 4, 2021, requesting dispensation permitting Branch 4682 to change the date of its November member-

ship meeting to November 17. According to your letter, this is the meeting at which the Branch will hold nominations for Branch delegates to the 2022 National and State Conventions. The postponement is necessary because the Branch's regular meeting date falls on the Veterans Day Holiday.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please make sure that an appropriate and timely notice of nominations and election, including the changed date of the November nominations meeting, is sent by mail to all active and retired members, as set forth in your letter.

I trust that the foregoing addresses your concerns. Thank you for addressing this issue.

DAVID GROSSKOPF, JR.—BUFFALO, NY, BRANCH 3
NOVEMBER 9, 2021 (8461)

This is in reply to your email, sent November 5, 2021, requesting dispensation to extend the time for Branch 3 to process and vote on pending charges under Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). According to your email, the Branch voted at its October meeting to continue the vote on the charges to the November meeting. However, the committee has advised you that they will be unable to complete their duties in time for the November meeting. You now ask dispensation for a further extension.

Please be advised that your request is not necessary. In my letter of August 12, 2021, I stated that "if the committee cannot complete its investigation in time for the October meeting, this letter shall constitute dispensation to further extend its time to report to the Branch to the extent necessary." This dispensation was not limited to the November meeting. Of course, the committee should complete its investigation and submit its report to the Branch for a vote on the charges as expeditiously as possible.

I trust that the foregoing addresses your concerns.

JOSEPH WALKER, JR.—CLEMENTON, NJ, BRANCH 4623
NOVEMBER 9, 2021 (8462)

This is in reply to your letter, received by my office on November 5, 2021, in which you raise several issues arising out of a recent meeting of Branch 4623. According to your letter, the meeting was adjourned because a quorum was not present. After the adjournment, while you were making phone calls in the parking lot, a group of members arrived in sufficient number to establish a quorum. In your absence, charges against another member were read and, apparently, the Secretary-Treasurer purported to appoint a committee to investigate the charges. You now ask whether these actions are valid.

At the outset, it would be inappropriate for me to address this specific situation, particularly since I only have your side of the story before me. I can provide the following general guidance.

First, as to the absence of a quorum, Article 3, Section 4 of the NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that: "The Branch shall be called to order

at the time prescribed in the by-laws if a quorum is present.” Previous rulings have recognized that this language requires that a quorum be present before any Branch meeting may be called to order. In addition, the rulings have also noted that, as a general rule, no official Branch business should be conducted at a meeting at which a quorum is not present.

There are no provisions in the Constitution that would prohibit a Branch from convening a meeting later than the scheduled time if enough members subsequently arrived to establish a quorum. However, any such meeting would have to be chaired by an authorized member. Normally, that would be the President or Vice President. In their absence, Article 3, Section 5 of the CGSFB would control. It provides:

In the absence of the President and Vice President, any member in good standing may be elected to preside by a majority of those present. However, Branches in their by-laws may designate one or more officer(s) to preside in the absence of the President and Vice President.

Your letter also requests clarification of the procedure for reading of charges and appointing the investigating committee. Article 10, Section 2 of the CGSFB requires that charges be filed with the Branch and that a copy of the charges be served on the charged parties. Article 10, Section 2 states that the “charges shall be read by the recording secretary at the first regular meeting *after service on the member or officer*.” (emphasis added). Therefore, normally the charges should not be read until they have been properly served. The appointment of the committee occurs after the reading of the charges at the appropriate time.

Article 10, Section 3 of the CGSFB provides that the committee to investigate the charge is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” If the charge is against the President and the Branch does not have a Vice President, then the next highest ranking officer should do so. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee.

Finally, as Branch President, you do have the authority to rule that anything that transpired at the previous meeting was out of order. However any such ruling would be subject to appeal to the members under Article 11, Section 1 of the CGSFB.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of any pending dispute over the charges described in your letter or any appeal that may be initiated in the future.

BRIAN LINDGREN—TACOMA, WA, BRANCH 130

NOVEMBER 9, 2021 (8463)

This is in reply to your letter, dated November 8, 2021, concerning Branch 130’s recent nominations for a Trustee position which resulted in one member being nominated without opposition. However,

you subsequently discovered that the Branch had announced nominations for the wrong Trustee position. You now request dispensation permitting the Branch to conduct new nominations and, if necessary, a special election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is provided to the members. As provided by the NALC Regulations Governing Branch Election Procedures (RGBEP), the notice should be sent at least 45 days before the election, and 10 days before nominations. (See RGBEP Sections 5.1 and 6.1.)

I trust that the foregoing addresses your concerns.

STEPHANIE MATTHEWS—ATLANTA, GA, BRANCH 73

NOVEMBER 9, 2021 (8464)

This is in reply to your letter, dated November 7, 2021, in which you raise several issues pertaining to the conduct of Branch 73’s mail ballot election of officers.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to comment on your allegations, particularly since I only have your side of the story before me. In any event, objections to the conduct of a Branch election must be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

I can respond to the question posed at the end of your letter. The Department of Labor instructs unions conducting mail ballot elections to arrange for a special restricted access post office box to be used solely for the receipt and storage of voted ballots. Section 14.4 of the RGBEP specifies that ballots are to be collected from the post office box by the Branch Election Committee.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any post-election appeal.

DAVID GROSSKOPF, JR.—BUFFALO, NY, BRANCH 3

NOVEMBER 15, 2021 (8461)

This is in reply to your two emails, sent November 12, 2021, to my assistant Cyndi Chaney and myself. Your email to Ms. Chaney clarifies that there are two separate sets of charges under Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) which remain pending.

At the outset, this will confirm that, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I am granting Branch 3 dispensation to extend the time for voting on all charges now pending before the Branch, to the extent necessary.

In response to your email to me, previous presidential rulings have held that when there are multiple charges there should be a separate vote on each charge. As stated in Article 10, Section 3, the question to be voted on for each charge is “whether or not the facts, as found by the committee, sustain the charge.”

However, there are no constitutional provisions addressing whether the committee must present

separate reports for each charge or may present a single comprehensive report. Accordingly, either method is permissible, so long as the facts found by the committee are fully reported and the right of the charged party to present their defense is not compromised.

I trust that the foregoing addresses your concerns.

DEXTER BROWN—SNELLVILLE, GA, BRANCH 73

NOVEMBER 15, 2021 (8469)

This is in reply to your letter, dated November 7, 2021, in which you raise several issues pertaining to the conduct of Branch 73’s recent nominations.

In answer to your specific question, Branch President Phillips has not requested a presidential ruling on the nominations procedure.

Apart from the foregoing, it would be inappropriate for me to comment on your allegations, particularly since I only have your side of the story before me. Objections to the conduct of nominations may be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any post-election appeal.

JERRY KERNER, JR.—TOWSON, MD, BRANCH 176

NOVEMBER 15, 2021 (8470)

This is in reply to your email, sent November 10, 2021, in which you assert that a nominee for Branch 176 Treasurer was improperly permitted to rescind his acceptance of nomination.

At the outset, I can advise you that previous rulings have recognized that nominees for Branch office may withdraw their acceptance of nomination either at the nominations meeting or within five days thereafter.

However, it would be inappropriate for me to comment on whether the withdrawal described in your letter was procedurally proper, particularly since I only have your side of the story before me. Objections to the conduct of nominations may be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any post-election appeal.

EMILY LANE—TAYLORS, SC, BRANCH 2553

NOVEMBER 15, 2021 (8474)

This is in reply to your email, sent November 12, 2021, requesting dispensation permitting Branch 2553 to conduct an early installation of its officers for the term beginning in 2022. The installation is presently scheduled to take place after January 2. However, the current President has resigned and two of the Branch’s three trustees have become 204b supervisors.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. National Business Agent Lynn Pend-



leton is hereby authorized to assign a representative from her office to conduct the installation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JEANNETTE TRIANA—MIRAMAR, FL, BRANCH 1071

NOVEMBER 17, 2021 (8473)

This is in reply to your email, sent November 15, 2021, requesting dispensation permitting Branch 1071 to conduct its nomination of delegates to the 2022 National Convention at its regular nominations meeting on November 17 and to hold additional delegate nominations in January. This request is based on the Branch's failure to arrange for timely publication of notice of nominations and election of delegates before the November 17 meeting.

At the outset, it would not be appropriate to conduct nominations at the November 17 meeting in the absence of any prior notice. However, in light of the circumstances set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 1071 dispensation to postpone its delegate nominations to January. An election of delegates, if necessary, may be conducted at the following meeting or by mail ballot. Please make sure that a timely notice of this change is published in the Branch newsletter or otherwise sent by mail to all active and retired members as stated in your email.

This dispensation extends only to the 2021 election of delegates. In the future, the Branch must adhere to the time frames provided by the Constitution, NALC Regulations Governing Branch Election Procedures, and the Branch By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID SEARS—KOKOMO, IN, BRANCH 533

NOVEMBER 17, 2021 (8478)

This is in reply to your letter, dated November 16, 2021, requesting dispensation permitting Branch 533 to conduct new nominations of officers. According to your letter, no members were nominated for almost all of the Branch's officer positions at the regular nominations meeting in November. Apparently, since then certain members have indicated that they would be willing to serve.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice of nominations and election is provided to the members by mail. As provided by the NALC Regulations Governing Branch Election Procedures (RGBEP), the notice should be sent at least 10 days before nominations and 45 days before the election, if one is required. (See RGBEP Sections 5.1 and 6.1.)

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

LARRY CIRELLI—NEW YORK, NY, REGION 15

NOVEMBER 17, 2021 (8479)

This is in reply to your email, sent November 16, 2021, requesting dispensation to allow RAA Tom Matthews to install the newly elected officers of Branch 137 on December 8, 2021, since you will

be unavailable due to the Executive Council Meeting on that date. Branch President Joe Destefano has requested that Brother Matthews conduct the installation.

In accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

KEVIN SOMMERS—STATE COLLEGE, PA, BRANCH 1495

NOVEMBER 22, 2021 (8480)

This is in reply to your letter, dated November 10, 2021, requesting dispensation permitting Branch 1495 to postpone the date of its November mail ballot election to December 16. According to your letter, this postponement is necessary because of a delay in the Branch's receipt of its election roster from the National Office.

Your request is certainly reasonable. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

RICK MCGLOTHLIN—MONTICELLO, IN, BRANCH 323

NOVEMBER 22, 2021 (8481)

This is in reply to your email, sent November 17, 2021, asking whether Branch 323 can continue to conduct its regular monthly meetings on ZOOM, with an option of allowing members who wish to meet in person to do so while joining the ZOOM meeting. Your request is based on the continuing risks posed by the ongoing COVID pandemic.

By letter dated December 10, 2020 (copy enclosed), I granted "dispensation for all branches to utilize alternative electronic meeting methods through calendar year 2021, such as video conferencing." So the answer to your question is yes. The Branch can continue to hold meetings on ZOOM during calendar year 2021. Further, in response to your request, I am now granting Branch 323 dispensation to continue to utilize ZOOM to conduct meetings in 2022 to mitigate the risks of the pandemic.

The Branch may also consider other options, which would be consistent with my dispensation letter. For example, the Branch can conduct an in-person meeting for those who show proof of vaccination, while allowing all other members to participate by ZOOM. Alternatively, the Branch may conduct an in-person meeting for everyone, while enforcing COVID protocols such as distancing and masks and may also allow exemptions from masking requirements for members who provide proof of vaccination.

Finally, we are continuing to monitor the overall situation, and I may modify my dispensation letter at some point in the future.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JEFFREY WAGNER—WEST PALM BEACH, FL, BRANCH 1690

NOVEMBER 22, 2021 (8482)

This is in reply to your letter, dated November 19, 2021, inquiring whether a member will be eligible to

vote on proposed By-law changes at Branch 1690's meeting on December 8. According to your letter, this individual has accepted a transfer in Coral Springs, Florida, which is represented by Branch 1071. He was scheduled to report to work there on November 20.

Previous rulings have established that a transferring NALC member should be considered a member of the receiving branch effective as of the date they report to work in a postal facility within the jurisdiction of the receiving branch. At that point, the transferring member would be ineligible to vote in their former branch. Accordingly, the facts set forth in your letter would indicate that Brother Osborne is no longer eligible to vote in Branch 1690.

I trust that the foregoing addresses your concerns.

KEVIN GOTTLIEB—SEATTLE, WA, BRANCH 79

NOVEMBER 24, 2021 (8483)

This is in reply to your letter, dated November 19, 2021, inquiring whether Branch 79 may vote to compensate two nominees for delegates to the 2022 National Convention. According to your letter, the names of three of the Branch's 31 nominees were inadvertently left off the ballot that has been mailed to the members. Two of these nominees satisfy the meeting attendance requirement for compensation in the Branch By-laws. You now ask for dispensation permitting the Branch to adopt a motion at the next Branch meeting which would authorize these two nominees to be paid delegates.

At the outset, it is not clear that dispensation from me is necessary. I am advised that Branch 79 is entitled to 112 delegates to the National Convention. Accordingly, since fewer than 112 members were nominated, all nominees were elected by acclamation. As numerous presidential rulings have recognized, all delegates are entitled to attend the Convention at their own expense. Branches may provide funding to all or some of its delegates and have broad discretion to determine which of its delegates will receive funding.

Of course, any expenditure of funds to reimburse delegates must be approved by the members either through the By-laws or by a vote at a Branch meeting as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal. So long as the payment to the two members is authorized by such a vote, there is no violation of the Constitution.

To be sure, a Branch may not vote an appropriation of funds, or take any other action, which is inconsistent with its By-laws. Your letter does not indicate whether the motion you propose would be inconsistent with the Branch 79 By-laws. To the extent such a conflict may be presented, I hereby grant Branch 79 dispensation to authorize payment to the two delegates in question by motion at a Branch meeting.

I trust that the foregoing addresses your concerns.

DARRELL HELSLEY—GRAND RAPIDS, MI, BRANCH 56

NOVEMBER 24, 2021 (8484)

This is in reply to your letter, dated November 15, 2021, requesting dispensation permitting Branch 56 to waive the minimum meeting attendance requirement set forth in the Branch By-laws

for paid delegates to the 2022 National Convention. The By-laws apparently require that delegates must have attended 15 meetings over the last 24 months in order to receive payment. According to your letter, the Branch was forced to cancel the majority of its meetings in 2020 and 2021 due to COVID-19 restrictions in Michigan and has had only four meetings in calendar year 2021.

It does appear that the By-laws preclude payment, so that your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Branch 56 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of paid delegate positions to which members may be elected and any criteria delegates must satisfy in order to receive Branch funds.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**ROBERT MCGHEE—CHICAGO, IL, BRANCH 11
NOVEMBER 24, 2021 (8485)**

This is in reply to your letter, received by my office on November 22, 2021, in which you raise several issues pertaining to the conduct of Branch 11's election of officers.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to comment on your allegations, particularly since I only have your side of the story before me. In any event, objections to the conduct of a Branch election must be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any post-election appeal.

**JERRY KERNER, JR.—TOWSON, MD, BRANCH 176
NOVEMBER 29, 2021 (8487)**

This is in reply to your email, sent November 24, 2021, in which you assert that a nominee for Branch 176 Trustee was improperly left off the election ballot.

As I advised in recent correspondence, it would be inappropriate for me to comment on your allegation, particularly since I only have your side of the story before me. Objections to the conduct of Branch elections may be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any post-election appeal.

**KEVIN GOTTLIEB—SEATTLE, WA, BRANCH 79
NOVEMBER 29, 2021 (8491 & 8483)**

This is in reply to your letter, dated November 26, 2021, requesting dispensation permitting Branch 79 to conduct a new mail ballot election for delegates. As you noted in previous correspondence, the names of three nominees were left off the ballot. Corrected ballots will be mailed December 4 or 5.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns.

**HARVEY SUZUKI—HONOLULU, HI, BRANCH 860
DECEMBER 2, 2021 (8492)**

This is in reply to your letter, dated November 22, 2021, concerning your appeal of the recent election of officers in Branch 860.

As I have indicated in previous correspondence, it would be inappropriate for me to comment on your allegations. All objections to the conduct of an election must be brought in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures. A Branch's decision to reject an election appeal as untimely may be appealed to the National Committee on Appeals in accordance with Section 21.4 of the RGBEP.

Please note that your letter to me is not sufficient to appeal this matter to the National Committee. The procedure for initiating an appeal to the National Committee is set forth in Section 21.41 of the RGBEP. It reads as follows:

An appeal to the National Committee on Appeals must be in writing and filed with the Branch Recording Secretary within twenty (20) days from the date of the branch decision. It must be sent by certified mail, return receipt requested, and should include any arguments, briefs, or other written testimony and evidence which the member chooses to submit.

Section 21.44 requires that the Branch submit the original appeal and the Branch's response to the Committee.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of your appeal or any related procedural issues.

**RAYMOND GRIGGS—McDONOUGH, GA, BRANCH 73
DECEMBER 7, 2021 (8494)**

This is in reply to your two letters, dated December 3 and 6, 2021, in which you raise issues concerning the current election of officers in Branch 73 and certain actions taken by the Branch Executive Board and President Phillips.

While I appreciate your concerns, it would be inappropriate for me to comment on your allegations, particularly since I only have your side of the story before me. Objections to the conduct of Branch elections must be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

Actions taken by Branch officers may be challenged by initiating an appeal as provided by Article 11 of the Constitution for the Government of Subor-

dinate Branches.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any appeal.

**WALTER MCGREGORY—TAYLOR, MI, BRANCH 2184
DECEMBER 8, 2021 (8352)**

This is in reply to your letter, dated December 6, 2021, requesting additional dispensation permitting Branch 2184 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings due to the continuing difficulties created by the COVID pandemic. On July 29, I granted the Branch dispensation to reduce its quorum requirement from 30 to 15 members for the remainder of 2021. You now request dispensation to extend this reduced quorum through December 2022.

Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation for calendar year 2022. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**KEISHA LEWIS—GARDEN GROVE, CA, BRANCH 1100
DECEMBER 8, 2021 (8496)**

This is in reply to your letter, dated November 30, 2021, requesting dispensation permitting Branch 1100 to change the date of its regular meeting scheduled for August 9, 2022 to August 2. The purpose of this change would be to avoid a conflict with the 2022 National Convention.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. As indicated in your letter, please be sure to provide appropriate and timely notice of this change to the members of the Branch.

I trust that the foregoing addresses your concerns.

**JEANNINE GASPER—NEWPORT NEWS, VA, BRANCH 609
DECEMBER 8, 2021 (8498)**

This is in reply to your email, sent December 7, 2021, requesting dispensation permitting Branch 609 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose a reduction in the quorum requirement from 15 to 11 members due to the current work environment. According to your email, the Branch was unable to achieve a quorum at its October and November meetings. As a result no Branch business was conducted, and the Branch was unable to accept nominations for delegates to the National Convention.

Your request is certainly reasonable, given the circumstances described in your email. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I also grant Branch 609 dispensation to conduct



nominations for delegates to the National Convention at its meetings in December or January, provided that appropriate and timely notice of nominations and election is sent to all members. An election of delegates, if necessary, may take place at the following meeting.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

LOWELL GRAY—PARKVILLE, MO, BRANCH 30
DECEMBER 15, 2021 (8499)

This is in reply to your letter, dated November 27, 2021. Specifically, you ask who is in charge of upholding the National Constitution and whether there is disciplinary action taken against Union Officers who violate the Constitution.

Generally speaking, the National President is authorized by Article 9, Section 1 of the NALC Constitution to “enforce all laws” of the NALC. However, individual members may also enforce compliance with the Constitution through direct appeals. If a member believes that a Branch officer’s decision is contrary to the Constitution, they may challenge that decision by appealing to the members of the Branch under Article 11 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). The decision of the Branch may be appealed to the National Committee on Appeals.

Members may also file charges that National or State officers have violated the Constitution with the NALC Executive Council under Article 10 of the National Constitution. The Executive Council is authorized to remove an officer found guilty of a charge or impose other penalties as it deems proper. Charges of constitutional violations against Branch officers must be filed at the Branch level, as provided by Article 10 of the CGSFB, which authorizes the members in attendance at the meeting at which the charge is considered to vote to remove an officer found guilty of a charge or impose other penalties.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any charges or appeals.

JESSICA CHAMBERS—TERRE HAUTE, IN, BRANCH 479

DECEMBER 16, 2021 (8502)

This is in reply to your letter, sent by email on December 14, 2021, requesting dispensation permitting Branch 479 to reschedule its nomination of delegates to the 2022 National and State Conventions to its January or February meeting. According to your letter, the Branch failed to conduct nominations in September and October as required by its By-laws, following the resignation of the previous Branch President.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 479 dispensation to conduct nominations for its delegates at its January or February meeting. If necessary, an election may be conducted at the next scheduled meeting. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2021 nomination and election of delegates and trustees. For future elections, the Branch

must comply with the time frames and notice requirements provided by its By-laws, the Constitution, and the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns.

DANE HUGHES—CEDAR CITY, UT, BRANCH 3574

DECEMBER 16, 2021 (8503)

This is in reply to your letter, sent by email on December 15, 2021, requesting dispensation to forego a run off election for a Trustee position in Branch 3574. According to your letter, the recent election resulted in a tie vote between two candidates for this position. Apparently, one of the two candidates has since decided to withdraw and will not serve if elected. You advise that if that member were to win a run off election, you would appoint the other candidate to the resulting vacancy.

Section 11.31 of the NALC Regulations Governing Branch Election Procedures provides that in the event of a tie vote in a branch election, “a run off election of the candidates who tied must be held within thirty (30) days of the original election.” However, in this case the run off election would be pointless since the same candidate will either win the election or be appointed to fill the vacancy that would result if the other candidate were to win.

Therefore, in light of the unique facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Branch 3574 may install the candidate who tied and is willing to serve as a Trustee.

I trust that the foregoing addresses your concerns.

MACK JULION—CHICAGO, IL, BRANCH 11

DECEMBER 17, 2021 (8485)

I have received correspondence (copy attached) from Branch 11 member Robert McGhee incorporating an appeal of the conduct of the recent election of officers in the Branch. By copy of this letter, I am responding to Brother McGhee’s most recent correspondence, dated December 10, 2021.

Brother McGhee claims that he submitted his appeal to me because the Branch did not clarify for the membership the identities of the members of the Branch Election Committee. Having no knowledge of the facts, I express no view as to the validity of this assertion. Nonetheless, I have concluded that the appeal should be processed in accordance with the procedures set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

Accordingly, please forward this material to the Branch Election Committee. The Committee should decide this appeal as if it had been submitted directly to it. The Committee’s decision will be subject to the additional appeal procedures provided by Section 21.2 - 21.4 of the RGBEP.

This letter should not be read to express any view as to the merits of the appeal, the timeliness of the appeal, or any other procedural issue.

Thank you for your anticipated cooperation.

RICARDO GUZMAN—SAN DIEGO, CA, BRANCH 70

DECEMBER 17, 2021 (8488)

This is in reply to your two letters, dated November

19 and December 15, 2021, regarding the Memorandum of Understanding Re: Temporary Details to Other Installations - City Letter Carrier Craft (M-01968).

First, it was never my intention to ignore your first letter. After receipt of that letter, I instructed Executive Vice President Brian Renfroe to reach out to you to discuss your concerns. It is my understanding that the two of you have had several substantive discussions about the impact of the MOU on members of Branch 70 and the concerns you raised. I deferred responding to your letter pending the outcome of those conversations.

Second, I must disagree with your contention that the MOU violates the Constitution. Article 16, Section 3 of the NALC Constitution requires ratification of national collective bargaining agreements:

Any National Collective Bargaining Agreement entered into between the NALC and USPS shall be ratified by the regular members who shall be non-supervisory employees in the Postal Service.

The MOU is not a “national collective bargaining agreement” which is subject to ratification.

Over the fifty year history of collective bargaining in the Postal Service, the NALC has negotiated countless midterm memoranda and other agreements which implement or, in some instances, modify specific terms of the National Agreement. Such memoranda have never been sent out for ratification, and the Constitution has never been interpreted to require ratification.

The National Agreement does not contemplate the application of certain provisions if and when the parties agree to a letter carrier working in an installation other than his/her home installation. The MOU addresses the application of several such provisions.

Since the signing of the MOU, many letter carriers that were improperly loaned from one installation to another have been returned to their home installations. This is the intent of the MOU—to prevent USPS from unilaterally loaning letter carriers to other installations. If any letter carriers in Branch 70 are currently improperly loaned to other installations, please send that information to EVP Renfroe so it may be promptly addressed with Postal Service representatives.

I am glad we had the opportunity to discuss the MOU in detail this morning. I trust that the foregoing addresses your concerns.

KEISHA LEWIS—GARDEN GROVE, CA, BRANCH 1100

DECEMBER 17, 2021 (8504)

This is in reply to your letter, dated December 15, 2021, requesting that I extend my previous dispensation permitting the officers of Branch 1100 to suspend compliance with By-law provisions requiring regular station visits. This request is based on the continuing risks posed by the COVID pandemic and the emergence of the Omicron variant.

This second request is appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 1100 dispensation to suspend the By-law provision requiring monthly station visits by Branch officers for calendar year 2022.

I trust that the foregoing addresses your concerns.

KEVIN SOMMERS—STATE COLLEGE, PA, BRANCH 1495

DECEMBER 21, 2021 (8508)

This is in reply to your letter, dated December 17, 2021, requesting a second dispensation permitting Branch 1495 to postpone the date of its mail ballot election from December 16 to January 13, 2022. According to your letter, this postponement is necessary because the Branch's printing contractor failed to provide the ballots and envelopes in a timely manner.

This second request is also reasonable. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Please understand that this dispensation extends only to the 2021 election of officers. In the future, the Branch must adhere to the time frames set forth in its By-laws, the NALC Constitution, and the NALC Regulations Governing Branch Election Procedures.

ATHENA FRANKLIN—AUGUSTA, GA, BRANCH 263

DECEMBER 30, 2021 (8512)

This is in reply to your letter, dated December 16, 2021, requesting dispensation permitting Branch 263 Secretary Kelvin Johnson to receive funds for serving as a delegate to the Georgia State or National Conventions. According to your letter, Brother Johnson will not be able to satisfy the minimum meeting attendance requirement set forth in the Branch By-laws because he transferred from another Branch.

At the outset, it does not appear that the By-laws preclude payment, so that your request for dispensation from me may be unnecessary. The excerpt from the By-laws included with your letter states that the Branch Executive Board "shall have the right to waive [the minimum attendance requirement] for a member who has joined between conventions." Thus, it would appear that the Branch Executive Board has the authority to waive the attendance requirement for Brother Johnson.

However, to the extent that any payment to Brother Johnson would be inconsistent with the By-laws, I hereby grant dispensation permitting Branch 263 to pay Branch funds to its delegates to the National or State Conventions, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

I must caution that since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of paid delegate positions to which members may be elected and any conditions they must meet to receive payment.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

PAMELA KRAFT—CENTERLINE, MI, BRANCH 4374

DECEMBER 30, 2021 (8516)

This is in reply to your letter, dated December 29,

2021, requesting guidance regarding two issues involving the conduct of Branch meetings.

Your first inquiry seeks guidance regarding situations where enough members leave a regular monthly meeting so as to cause the number of remaining members to fall below a quorum.

Article 3 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) contains the basic provisions governing Branch meetings. Section 4 of Article 3 states that "The Branch shall be called to order at the time prescribed in the by-laws if a quorum be present." Previous rulings have recognized that this language requires that a quorum be present before any Branch meeting may be called to order. In addition, the rulings have also noted that, as a general rule, no official Branch business should be conducted at a meeting at which a quorum is not present.

Apart from the foregoing, the Constitution does not otherwise prescribe what actions a Branch must take if there is a loss of a quorum after the meeting has properly been called to order. For example, there is no language in the Constitution requiring that the officers and members still present immediately disband and terminate any ongoing discussions. However, it would be improper for any official Branch business to be transacted (e.g., a vote on a motion to authorize an expenditure of branch funds), if the number of members in attendance has fallen below a quorum.

Please note that the above comments address only the requirements provided by the NALC Constitution. It is the Branch's obligation to interpret any additional provisions which may be set forth in its By-laws. In addition, I cannot advise you on the application of Robert's Rules or any other rules of parliamentary procedure.

Your second question is whether it was permissible for the members at the last meeting to authorize you to chair the meeting in the absence of the President, Vice President, and Secretary. According to your letter, the Treasurer declined to chair the meeting.

When the President and Vice President are both absent from a meeting, Article 3, Section 5 of the CGSFB applies. It states:

In the absence of the President and Vice President, any member in good standing may be elected to preside by a majority of those present.

However, Branches in their by-laws may designate one or more officer(s) to preside in the absence of the President and Vice President.

If, as stated in your letter, the By-laws did not require that the Treasurer chair the meeting, then it would appear that the motion to designate you as chair was properly adopted at the meeting.

I trust that the foregoing addresses your concerns.

EARL HIBBS—DALLAS, TX, BRANCH 132

DECEMBER 30, 2021 (8517)

This is in reply to your letter, dated December 21, 2021, requesting that I resolve an ongoing dispute between the Branch 132 Executive Board and President Lewis over the validity of an appeal from a recent shop steward election.

While I appreciate your concerns, I must advise that it would be inappropriate for me to intervene in

this matter, or offer an opinion as to the specific dispute described in your letter, particularly since I only have your side of the story before me. I can provide the following guidance.

First, neither Article 5 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) nor the NALC Regulations Governing Branch Election Procedures (RGBEP) apply to the election of stewards who are elected by station and are not members of the Branch Executive Board. See RGBEP, Section 2.1. Rather, as provided in Article 4, Section 5 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB), stewards may be elected in individual stations "as the Branch may determine."

Second, the conduct of a steward election must be consistent with any applicable provisions of the Branch By-laws. However, any dispute over the meaning or application of the By-laws must be resolved, in the first instance, at the Branch level.

Third, any member who believes that a steward election was conducted improperly may initiate an appeal under Article 11 of the CGSFB and any applicable By-law provisions. In this case, I express no view as to whether the Branch 132 By-laws required that the appeal in question be initially submitted to the Executive Board. However, I can advise that the decision of the Branch President overruling the Executive Board's decision and denying the appeal may be appealed to the Branch under Article 11, Section 1 of the CGSFB. The decision of the Branch may be appealed to the National Committee on Appeals under Article 11, Section 2.

Finally, I am not inclined to grant your request that I assign a national officer to meet with the Branch 132 Executive Board to discuss the authority and purpose of the Board. The authority of the Board must be determined by the Branch itself. The CGSFB does not specify the powers of the Branch Executive Board. Instead, Article 6 describes the duties of each individual office. Article 6, Section 1 provides that the Branch President shall have "general supervisory powers over the branch." Of course, the authority of the Executive Board may be addressed by the Branch's By-laws, but, as stated above, disputes over the meaning or application of the By-laws must be resolved at the Branch level.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any appeal.

MARI-ANN HANKS—OLYMPIA, WA, BRANCH 351

JANUARY 4, 2022 (8448)

This is in reply to your email, sent January 2, 2022, inquiring whether Branch 351 provided adequate notice of the election that may take place at its February meeting for Convention delegates and the Board of Trustees. According to your email, the Branch mailed a notice to its retiree members and posted a notice on all union bulletin boards in its installation.

Please be advised that Article 5, Section 4 of the NALC Constitution, governing delegate elections, and Article 5, Section 4 of the Constitution for the Government of Subordinate and Federal Branches, governing election of Branch officers, both require that a notice of election be mailed to all active and



retired members no later than 45 days before the election. The notice described in your email would not have complied with this requirement since it was not mailed to the active members.

The information provided in your email does not indicate that the use of the bulletin board to notify the active members was ineffective, so that the failure to mail the notice may not have any impact on the election. Nonetheless, if an election is required after the January nominations meeting, I would recommend that the Branch mail the notice to its active members at that time. This would satisfy the minimum standard required by federal law that an election notice be sent by mail 15 days before the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention and for assuming the responsibilities of Branch President.

SID SIMMONS—DALLAS, TX, BRANCH 132
JANUARY 10, 2022 (8525)

This is in reply to your letter, faxed to my office on January 6, 2022, requesting guidance with respect to the processing of separate charges that have been filed against three officers of Branch 132, including you, under article 10 of the NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB).

At the outset, it would be inappropriate for me to issue rulings concerning these specific charges. I can provide the following general guidance with respect to your questions.

Your first question concerns the distribution of written copies of the charges at the meeting at which the charges were read. Article 10, Section 2 of the CGSFB specifically provides that charges are to be read by the recording secretary of the Branch at the first regular meeting after service of the charges. There is no similar provision directing that copies of the charges be distributed to the members. At the same time, there is no provision in the Constitution which prohibits anyone from distributing copies of the charges to interested members.

Of course, any member who is the subject of charges is entitled to a fair hearing. If a charged party believes that their right to a fair hearing was compromised by distribution of the charge, they will be entitled to present that argument to the investigating committee and to the Branch. That argument could also be raised as an issue in any appeal to the National Committee on Appeals following the Branch's decision. I express no view as to whether the argument would have any merit in this case.

Your second issue goes to the number of committees that must be appointed. Please be advised that the relevant constitutional provision, Article 10, Section 3 of the CGSFB, does not specifically require multiple committees to handle multiple charges. Accordingly, the President, Executive Vice President, or other appointing officer would have discretion to decide whether to appoint one or more committees. A single committee could investigate all charges. The only qualification is that the members of the committee(s) would have to be disinterested with respect to all charges they are responsible for investigating. In addition, the members of the committee(s)

must be in a position to find the facts concerning all charges assigned to them.

Your third issue addresses the conduct of a ballot vote under Article 10, Section 4 of the CGSFB. According to your letter, Branch 132 is conducting hybrid meetings, with some members in attendance while others participate by ZOOM. Your question is whether the members participating by ZOOM would be able to vote in this circumstance.

I am advised that it should be possible for all members participating in a Branch meeting by ZOOM to cast a ballot vote. NALC Assistant Secretary-Treasurer Paul Barner may be contacted for technical advice regarding ZOOM capabilities. He has a set of instructions that will provide the Branch with everything it needs to know. He can also work with the Branch before the actual meeting to do a dry run if needed.

Finally, I cannot agree with your broad suggestion that once an election committee is appointed, the Branch President cannot make any decisions which may have an impact on the election. The validity of any such decisions would have to be evaluated on a case-by-case basis, normally in the context of a post-election appeal.

I trust that the foregoing addresses your concerns.

SHEILA GARDNER—SAN FRANCISCO, CA, BRANCH 214
JANUARY 10, 2022 (8526)

This is in reply to your letter, dated January 7, 2022, requesting a second dispensation permitting Branch 214 to postpone its election of delegates to the National Convention. I previously permitted the Branch to postpone nominations until February. However, according to your letter, additional questions have arisen with respect to the adequacy of the notice provided by the Branch. Accordingly, you now request dispensation to announce nominations at the March meeting and to conduct an election, if necessary, at the April meeting.

In light of the circumstances set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that a timely notice of this change is published in the branch newsletter, as indicated in your letter, or otherwise sent by mail to all active and retired members.

Once again, please understand that this dispensation extends only to the current election of delegates. In the future, the Branch must adhere to the time frames provided by the Constitution, NALC Regulations Governing Branch Election Procedures, and the Branch By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

STEVE LASSAN—MERIDIANVILL, AL, REGION 8
JANUARY 12, 2022 (8527)

This is in reply to your email, sent January 11, 2022, requesting dispensation permitting Branch 6377 to conduct a new election of officers. According to your email, the Branch conducted nominations as scheduled at its November meeting. However, it then mailed out ballots on December 14 with a due date of December 28, thus failing to provide the members the minimum twenty day balloting period

required by Section 14.2 of the NALC Regulations Governing Branch Election Procedures. The Branch also failed to arrange for the ballots to be returned to a secure restricted access post office box.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Branch should provide appropriate notice to the members of the reasons for this second ballot, which it may include with the mailed ballots.

Thank you for bringing this matter to my attention and for your assistance to the Branch.

KEVIN GOTTLIEB—SEATTLE, WA, BRANCH 79
JANUARY 20, 2022 (8537)

This is in reply to your email, sent January 14, 2022, requesting dispensation permitting Branch 79 to compensate the members of the Branch who volunteer to count the ballots in the second mail ballot election of delegates. This second election was required because three delegate nominees had been inadvertently left off the initial ballot.

If, as you suggest, the By-laws preclude additional payment to the members of the committee, your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Branch 79 to pay Branch funds to the members of the committee for counting ballots, notwithstanding any conflict with the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any member must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of members to be paid and any criteria they must satisfy in order to receive Branch funds.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

CECELIA WILSON—ELLENWOOD, GA, BRANCH 73
JANUARY 27, 2022 (8545)

This is in reply to your email, sent January 27, 2022, requesting that a pending election appeal in Branch 73 be decided by a ballot vote, rather than at a Branch meeting to be conducted on ZOOM.

While I appreciate your concerns, I must advise that your request cannot be considered. Section 21.3 of the NALC Regulations Governing Branch Election Procedures specifically provides that any appeal from a decision by the Branch Executive Board be taken to "the next scheduled meeting of the branch." There is no basis in the NALC Constitution or the election regulations for having an election appeal decided by a mail ballot.

I can advise that, with the agreement of the Branch, I have authorized Regional Grievance Assistant Eric Sloan to serve as host of the ZOOM meeting at which any election appeals are presented. I am confident that Brother Sloan will ensure that all interested members are allowed into the meeting and will be able to participate.

I trust that the foregoing addresses your concerns, at least in part.

**PAUL TOMS—INDIANAPOLIS, IN, BRANCH 39
JANUARY 31, 2022 (8546)**

This is in reply to your letter, dated January 27, 2022, requesting dispensation permitting Branch 39 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose a reduction in the quorum requirement from 50 to 35 members. This request is based on the difficulties posed by staffing issues and the ongoing COVID pandemic. According to your letter the Branch was unable to achieve a quorum at its December or January meetings.

Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation until the issues confronting the Branch have abated. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**JOHN SYACSURE, III—CENTERLINE, MI,
BRANCH 4374
FEBRUARY 7, 2022 (8550)**

This is in reply to your letter, dated February 2, 2022, requesting an extension of the dispensation I previously granted permitting Branch 4374 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose that the reduction in the quorum requirement from 25 to 15 members be extended for the remainder of 2022. This request is based on the continuing difficulties posed by the ongoing COVID pandemic and the Branch's displacement from its office due to a fire.

Once again, your request is reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation for the remainder of 2022. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**FRANCISCO BUSHEY—WEST RICHLAND, WA,
BRANCH 3877
FEBRUARY 7, 2022 (8551)**

This is in reply to your letter, dated February 3, 2022, requesting dispensation permitting Branch 3877 to reschedule its nomination of delegates to the National and State Conventions. According to your letter, the Branch failed to conduct a delegate election at the scheduled time.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 3877 dispensation to conduct nominations and an election of delegates as expeditiously as possible. The Branch must provide appropriate and timely

notice of nominations and the election to all active and retired members. In addition, as requested the Branch may accept nominations by mail and conduct the election by mail ballot.

Please understand that this dispensation applies only to the 2021 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the Constitution, and the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns.

**AMY BREAU—PITTSFIELD, MA, BRANCH 286
FEBRUARY 9, 2022 (8552)**

This is in reply to your email, sent February 8, 2022, concerning your authority to fill vacant officer positions in Branch 286 by appointment.

At the outset, I must congratulate you on becoming President of the Branch. We deeply appreciate your commitment to the NALC.

In response to your question, Article 4, Section 2 of the NALC Constitution for the Government of Subordinate and Federal Branches specifically provides that the Branch President may fill vacancies in officer positions by appointment, unless the Branch By-laws provide for an order of succession. In addition, previous presidential rulings have held that Branches may make provision in their By-laws to hold special elections to fill vacancies in Branch offices.

If the Branch By-laws do not provide for either an order of succession or a special election then the President of the Branch may appoint members to fill all vacant officer positions. Accordingly, it does appear that you acted within the scope of your authority under the Constitution in appointing members to fill vacancies in the offices of Vice President and Secretary.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**CHARLIE HEEGE—NEW YORK, NY, BRANCH 36
FEBRUARY 14, 2022 (8553)**

This is in reply to your letter, dated February 10, 2022, requesting a ruling as to whether Branch 36 may, in accordance with its By-laws, convene a special meeting to vote on charges against two incumbent officers. Your letter requests dispensation to do so in order to have the charges resolved before the end of the balloting period for the Branch's mail ballot election of officers.

Under Article 10, Section 1 of the Constitution for the Government of Subordinate and Federal Branches, charges are to be considered and voted on by the Branch "at the next regular Branch meeting after which said charges were read to the Branch." However, in this case it does appear to be in the best interest of the Branch to have the charges resolved before the end of the election, provided that the investigating committee can complete its investigation and prepare its report in time for the special meeting.

Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 36 dispensation to call a special meeting for the purpose of voting on the pending charges against the incumbent officers, provided that the investigat-

ing committee has completed its investigation and has prepared a written report for presentation to the meeting. In addition, as required by Article 3, Section 2 of the CGSFB, the Branch must provide appropriate and timely notice to the members of the time, place, and purpose of the special meeting and otherwise comply with all requirements for special meetings provided by its By-laws.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges and is without prejudice to any member's right to appeal from any action taken by the Branch.

**JOHN WOFFORD—MUSKOGEE, OK, BRANCH 1042
FEBRUARY 16, 2022 (8554)**

This is in reply to your email, sent February 15, 2022, concerning the recent amendment to the Branch 1042 By-laws which created a new office of Executive Vice President. You ask whether the Branch must fill that vacancy before the next election and, if so, how that can be done.

The question whether the position must be filled now turns on the meaning of the new By-law provision. However, it would be inappropriate for me to rule on that issue. It is the responsibility of the Branch to interpret and apply its own By-laws.

I can advise you that as soon as the amendment is adopted and approved by the Committee of Laws you would have the authority, as Branch President, to fill the new position, and any other resulting vacancies, by appointment, in accordance with Article 4, Section 2 of the Constitution for the Government of Subordinate and Federal Branches. The appointed Executive Vice President and any other appointed officer would be entitled to serve until the next regular election of Branch officers.

I trust that the foregoing addresses your concerns.

**BRYAN RUBNER—CEDAR RAPIDS, IA, BRANCH 373
FEBRUARY 16, 2022 (8556)**

This is in reply to your letter, dated February 15, 2022, requesting dispensation permitting Branch 373 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose a reduction in the quorum requirement from 10 to 5 members. You also request dispensation permitting the Branch to conduct its next election by mail ballot. According to your letter, the Branch intends to amend its By-laws to reduce the quorum requirement and to provide for mail ballot elections, but has been unable to enact the amendments due to chronic failure to meet the existing quorum requirement.

Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings and the change in the election procedure.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.


AMY BREAU—PITTSFIELD, MA, BRANCH 286
FEBRUARY 17, 2022 (8557)

This is in reply to your email, sent February 15, 2022, inquiring whether you were required to swear in the newly appointed Vice President and Secretary of Branch 286.

Please be advised that the relevant constitutional provision, Article 5, Section 6 of the Constitution for the Government of Subordinate and Federal Branches, requires that an installation of Branch officers be conducted at the first or second meeting of the Branch following the election. There is no language requiring a formal installation ceremony when individuals are appointed to fill vacancies between elections. While the Branch may conduct an installation and swearing-in if it so chooses, such a ceremony is not constitutionally required.

Your email sent February 16 notes that at the meeting on February 15, a motion was passed to require a special election to fill the vacancies at issue. As I indicated in previous correspondence, a special election would be necessary only if the Branch By-laws require that vacant officer positions be filled by special election. In the absence of such a provision, vacancies are to be filled by appointment by the Branch President, as provided by Article 4, Section 2 of the Constitution for the Government of Subordinate and Federal Branches.

It is my understanding that the Branch 286 By-laws do not provide for a special election. Accordingly, your appointments were consistent with your authority under the Constitution. The members you appointed may now serve as Branch officers. Moreover, since the positions were properly filled before the Branch meeting, there was no basis for the motion for a special election. You are not required to implement that motion.

I trust that the foregoing addresses your concerns. Thank you again for your efforts to resolve the Branch's governance issues.

CHARLES BONNER—PALM DESERT, CA, BRANCH 4149
FEBRUARY 22, 2022 (8561)

This is in reply to your letter, dated February 17, 2022, concerning the status of Branch 4149's convention delegates. According to your letter, the Branch By-laws require that delegates be nominated at a Branch meeting six months prior to the convention to be attended. However, the Branch has not been able to conduct meetings during the past year due to COVID. You now request dispensation permitting previously elected delegates to continue to serve or, alternatively, to nominate and elect new delegates when the Branch resumes in-person meetings in March.

Your request is certainly reasonable in light of the facts set forth in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 4149 dispensation to extend the terms of its previously elected delegates. Alternatively, the Branch may nominate and elect new delegates, notwithstanding any contrary provisions in its By-laws, so long as the Branch can provide timely and appropriate notice of the nominations and election to all active and retired members by mail.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

BRENT MCCOY—GREENSBORO, NC, BRANCH 630
FEBRUARY 22, 2022 (8563)

This is in reply to your letter, dated February 6, 2022, requesting dispensation permitting Branch 630 to conduct a special election to fill all the vacant positions on the Branch Executive Board. This special election is necessary because there were no nominees for President, Treasurer, and Director of Retirees at the Branch's regular nominations meeting in October, and other offices subsequently became vacant when the Financial Secretary and Sergeant-at-Arms assumed other positions.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. Branch 630 should conduct the special election as expeditiously as possible. Please make sure that all active and retired members are provided timely notice of the nominations and election by mail.

By copy of this letter, I am directing National Business Agent Lynne Pendleton to provide whatever assistance the Branch may need in conducting the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAN VERSLUIS—DENVER, CO, REGION 4
FEBRUARY 28, 2022 (8564)

This is in reply to your email, sent February 24, 2022, concerning the situation in Branch 792. According to your email, the Branch does not have any properly elected officers.

Your request that I authorize your office to conduct a special election of officers in Branch 792 is entirely appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. In addition, I am authorizing you, RGA Hartman, or any other representative from your office whom you may designate, to administer the Branch's funds and bank accounts and take any other action necessary to ensure that the Branch continues to function and that the letter carriers in Durango are properly represented.

Thank you for bringing this matter to my attention. Please feel free to contact me if you need any additional assistance.

DAVID GROSSKOPF, JR.—CHEEKTOWAGA, NY, BRANCH 3
MARCH 2, 2022 (8566)

This is in reply to your email sent February 28, 2022, inquiring whether you may fill a vacant steward position in Branch 3 by appointment or if you must conduct a special election.

Please be advised that either method would be permissible under the NALC Constitution. Article 4, Section 5 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that stewards may be appointed or elected "within the respective stations" as "may be determined" by the Branch.

It would be entirely inappropriate for me to

address whether the Branch 3 By-laws require a special election. As National President, it is my responsibility to interpret the NALC Constitution. However, the issue here depends on the interpretation and application of the relevant By-law language. Such disputes must be resolved, in the first instance, at the Branch level.

As President of the Branch, you are authorized to interpret the Branch By-laws. The decision of the Branch President interpreting a By-law may be formally appealed, initially to the Branch itself, in accordance with the procedure set forth in Article 11, Section 1 of the CGSFB. The decision of the Branch may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

I trust that the foregoing, at least in part, addresses your concerns.

D. ROBERT JOHNSON—ALPHARETTA, GA, GEORGIA STATE ASSOCIATION OF LETTER CARRIERS
MARCH 3, 2022 (8570)

This is in reply to your letter, dated February 25, 2022, requesting dispensation allowing the Georgia State Association to register its Delegates-at-Large to the 2022 National Convention after the June 8 registration deadline established by the Executive Council under Article 5, Section 5(d) of the NALC Constitution. According to your letter, the Delegates-at-Large will not be elected until June 10 or 11, when the Georgia State Convention takes place.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Georgia State Association must inform Secretary-Treasurer Rhine's office of the names of the Delegates-at-Large as expeditiously as possible following their election.

I trust that the foregoing addresses your concerns.

ROSA CASTILLO-RODRIGUEZ—CORPUS CHRISTI, TX, BRANCH 1259
MARCH 7, 2022 (8579)

This is in reply to your letter, dated March 2, 2022, in which you raise several issues pertaining to the governance of Branch 1259.

At the outset, I must advise that, while I appreciate your concerns, it would be inappropriate for me to comment on the specific matters cited in your letter, particularly since I only have your side of the story before me. I can provide the following general guidance. Please note that I am sending a copy of this letter to Branch President Juan Munoz, Jr.

First, the procedure for amending Branch By-laws is governed by Article 15 of the NALC Constitution. Article 15 provides that Branch By-laws "may be amended at any regular meeting of the branch, provided 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." Previous rulings have established that "suitable notification" within the meaning of Article 15 is any notice which, under the facts and circumstances, is reasonably designed to inform all members of the substance of the proposed amendment and the time and place of the vote.

Any member who believes that a By-law amendment was improperly adopted without suitable notification may appeal the Branch's action to the National Committee on Appeals in accordance with the procedures provided in Article 11 of the NALC Constitution for the Government of Subordinate and Federal Branches.

Second, I cannot comment on whether any particular expenditure approved by the members of a Branch at a meeting was in conflict with the Branch's By-laws. The interpretation of By-laws is primarily the responsibility of the Branch. However, a member who believes that the Branch violated its By-laws can also appeal that issue to the Committee on Appeals under Article 11.

Finally, by copy of this letter I am directing National Business Agent Javier Bernal to review the issues you have raised with respect to the Branch's apparent inability to achieve a quorum at meetings and the publication of its newsletter. Brother Bernal should provide the Branch with whatever advice and assistance he deems appropriate.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing these matters to my attention.

**CHRISTOPHER MAYO—PRAIRIE VILLAGE, KS, BRANCH 5521
MARCH 8, 2022 (8581)**

This is in reply to your letter, emailed to my office on March 5, 2022, concerning charges that have been filed against you and the Recording Secretary of Branch 5521 under Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB).

At the outset, it would be inappropriate for me to resolve the issues raised in your letter, based solely on the limited information provided in your letter. I can provide the following general guidance regarding the appointment of the investigating committee.

Normally, the committee is to be appointed by "[t]he president, or if the president be the person against whom charges are made, the vice president." However, as previous rulings have recognized, the vice president should not appoint the committee if he/she is likely to be involved in the investigation of charges as a witness or has otherwise been involved in the preparation of the charges. Accordingly, a Vice President who is a party to the charges cannot appoint the committee.

If the Vice President cannot appoint the committee, then the next highest ranking officer should do so. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee. As a last resort, I have in the past authorized National Business Agents to appoint investigating committees where the Branch has been unable to do so.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to reflect any view as to the merits of the charges against you.

MARIO ORTEGA—RANCHO CORDOVA, CA, BRANCH 4724

MARCH 8, 2022 (8582)

This is in reply to your email, sent March 4, 2022, requesting dispensation permitting the Treasurer and Secretary of Branch 4724 to sign warrants and other documents necessary to expend Branch funds. This dispensation is necessary because the Branch President and Vice President have resigned, so that you and the Branch Secretary are the only current officers.

Your request is certainly reasonable in these circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

Please bear in mind that all expenditures by the Branch, including officer compensation, must be approved by vote of the members as provided by Article 12, Section 3 of the NALC Constitution for the Government of Subordinate and Federal Branches. Article 12, Section 3 expressly states that all Branch funds "shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting."

A Branch may authorize officer compensation in advance through its By-laws. Accordingly, the remuneration referenced in your email may be paid if it is expressly authorized by a provision of the By-laws. If there is no By-law provision in effect, the remuneration must have been previously approved by vote of the members.

I trust that the foregoing addresses your concerns. Please continue to work with National Business Agent Bryant Almarío to implement the proposed merger with Branch 133.

JANA MARON—PEORIA, AZ, BRANCH 576

MARCH 8, 2022 (8583)

This is in reply to your letter, dated March 4 2022, concerning the eligibility of Sister Kelly Busalacchi to serve as Branch 576's Health Benefits/MBA Representative. According to your letter, Sister Busalacchi was elected to that position. However, Branch President Cindy Staley announced at the Branch's regular meeting on January 6 that she could not be installed because she was not enrolled in the NALC Health Benefit Plan (HBP). Apparently, Sister Busalacchi appealed Sister Staley's decision, but that appeal was denied by the Branch on February 17.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter, particularly since I only have your side of the story before me. I can provide the following general guidance.

Article 4, Section 3 of the Constitution of the NALC Health Benefit Plan requires that individuals must be participating members of the Plan in order to hold office in the Plan at the Branch level. At the same time, prior rulings have recognized a distinction between eligibility to hold the office of Health Benefits Representative and eligibility to be a candidate for that position. Article 4, Section 3 requires that an individual be a participating member in order to hold office in the Plan. It does not require that the individual be a member of the Plan to run for office. Thus, if a candidate who is not presently a participating member

takes the necessary steps to join the Plan, he/she will be eligible to serve as the Branch's HBR if elected. However, if the member refuses to join the Plan then she would not be eligible to serve as the HBR. In that circumstance, the Branch President would have the authority to fill that position by appointment. The appointee must be a member of the Plan.

The Branch's decision to deny Sister Busalacchi's appeal may be appealed to the National Committee on Appeals in accordance with the procedures provided in Article 11 of the NALC Constitution for the Government of Subordinate and Federal Branches. The various issues and arguments set forth in your letter may be presented to the Committee as part of the appeal.

Finally, with reference to the ruling cited in your letter, any request for dispensation to set aside officer eligibility requirements would have to come from the Branch itself. In this situation, the Branch has opposed the installation of Sister Busalacchi.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of the appeal.

MICHAEL HARRIS—PRAIRIE VILLAGE, KS, BRANCH 5521

MARCH 9, 2022 (8584)

This is in reply to your letter, received by my office on March 7, 2022, regarding the charges you have filed against Branch 5521 President Chris Mayo and Recording Secretary Terri Huggenberger. According to your letter, the Branch does not have three disinterested members who can investigate your charges.

Your letter indicates that four Branch officers and at least one trustee are parties to this dispute as either charging or charged parties. All are ineligible to participate in the appointment of an investigating committee.

Accordingly, by copy of this letter I am authorizing National Business Agent David Teegarden, or his designee, to provide whatever assistance the Branch may require to form an investigating committee. If necessary, Brother Teegarden may appoint members from outside the Branch to investigate the charges.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges.

JOHN MCPHERSON—NORTH HIGHLAND, CA, BRANCH 133

MARCH 14, 2022 (8590)

This is in reply to your email, sent March 9, 2022, requesting dispensation permitting the Secretary and Treasurer of Branch 4724 to sign an application to merge with Branch 133, instead of the President and Vice President. This request is necessitated by the resignation of the President and Vice President, which has left these offices vacant.

Your request is certainly appropriate in these circumstances. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ROBERT MCGHEE—CHICAGO, IL, BRANCH 11
MARCH 17, 2022 (8593)

This is in reply to your letter, received by my office



on March 17, 2022, in which you raise objections to the conduct of the election of officers in Branch 11 that took place in 2021.

As I explained in previous correspondence, it would be inappropriate for me to comment on the issues you have raised in your appeal. Objections to the conduct of Branch elections must be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

Your correspondence includes a letter from the Branch Election Committee, which appears to address an appeal that you submitted. Any such appeal must be processed at the Branch level in accordance with the procedures set forth in Section 21. Under Section 21.2 a decision of the Branch Election Committee may be appealed to the Branch Executive Board within five days of the Committee's decision.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits or timeliness of any appeal that you have submitted.

CRUZ CINTRON—OCALA, FL, BRANCH 1103
MARCH 23, 2022 (8594)

This is in reply to your letter, dated March 18, 2022, requesting dispensation permitting you to appoint three delegates to represent Branch 1103 at the 2022 NALC National Convention.

Unfortunately, the Constitution does not permit Branches to simply appoint members to serve as delegates. The NALC Constitution and Regulations Governing Branch Election Procedures require that convention delegates be nominated and elected by the Branch that they will represent. It would be inconsistent with this requirement to simply name an individual as a delegate outside the normal nomination process.

The one possible solution would be for me to grant the Branch dispensation to extend the deadline for nomination and election of delegates. In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the dispensation.

In order to proceed the Branch must notify all members of this extension and the opportunity for each member of the Branch to be nominated. If this process were to result in more nominees than delegate positions, the Branch would then be required to conduct a special election of additional delegates. NALC Assistant Secretary-Treasurer Paul Barner is available to provide guidance on conducting the special election.

I trust that the foregoing, at least in part, addresses your concerns.

LaTOYA FREEMAN—TUCKER, GA, BRANCH 6070
MARCH 23, 2022 (8595)

This is in reply to your letter, dated March 21, 2022, requesting dispensation permitting Branch 6070 to conduct a special election for its Board of Trustees, Health Benefits Representative, Sergeant at Arms, and Financial Secretary. According to your letter, the Branch inadvertently failed to open these positions for nomination and election in its most recent regular election of officers.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation. The Branch should conduct the election as expeditiously as possible.

In addition, I would urge the Branch to amend its By-laws to include all officer positions. You may contact Assistant Secretary-Treasurer Paul Barner for assistance in amending the By-laws and conducting the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID ING—HONOLULU, HI, BRANCH 4682
MARCH 23, 2022 (8596)

This is in reply to your letter, dated March 18, 2022, concerning the vacancy in the office of Health Benefits Representative in Branch 4682.

At the outset, it would be inappropriate for me to comment on the specific situation in your Branch in light of the limited facts set forth in your letter. I can provide the following guidance.

Article 4, Section 3 of the Constitution of the NALC Health Benefit Plan requires that individuals must be participating members of the Plan in order to hold office in the Plan at the branch level. Accordingly, the Branch Health Benefits Representative must be a member of the Plan.

Branches may consolidate the position of Health Benefits Representative with another Branch officer position, but are not required to do so. Prior rulings have held that the constitutional eligibility requirement continues to apply when the office of Branch Health Benefits Representative is consolidated with another office. Thus, whoever is elected to the consolidated position must be a member of the Health Benefit Plan to serve in that position.

I trust that the foregoing addresses your concerns.

RICHARD GALVIN—WEST ROXBURY, MA, BRANCH 34
MARCH 30, 2022 (8598)

This is in reply to your letter, received by my office on March 17, 2022, in which you raise issues regarding the counting of the mail ballots in the election of officers in Branch 34.

By copy of this letter, I am requesting that National Business Agent Rick DiCecca check with the Branch to make sure that appropriate measures have been taken to maintain the security of the ballots.

Apart from the foregoing, your request that the National Union intervene in the Branch election process is inappropriate at this time. Objections to the conduct of Branch elections must be pursued in the form of a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the specific allegations in your letter or the merits of any appeal that may be submitted.

MARVIN BOLIN—SAN FRANCISCO, CA, BRANCH 214
APRIL 4, 2022 (8601)

This is in reply to your letter, dated March 28, 2022, regarding the charges that have recently been

filed against you under Article 10 of the Constitution for the Government of Subordinate and Federal Branches.

I agree that, because of the current divisions in Branch 214, some level of scrutiny by the National Union is warranted to ensure that the charges are investigated impartially and in full compliance with Article 10. Therefore, by copy of this letter, I am directing National Business Agent Bryant Almario to contact Executive Vice President Sosa to offer any guidance or other assistance that may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the NALC Constitution, I am authorizing Brother Almario to appoint the committee himself, if he believes that it is in the best interest of the Branch for him to do so. The committee may include disinterested members from other Branches.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

MICHAEL HARRIS—KANSAS CITY, KS, BRANCH 5521
APRIL 7, 2022 (8609)

This is in reply to your letter, dated March 27, 2022, in which you raise several objections to the manner in which charges against you have been handled by Branch President Mayo and the investigating committee that he appointed.

At the outset, please understand that it would be entirely inappropriate for me to comment on the specific allegations in your letter, particularly since charges are pending and I only have your side of the story before me. I can provide the following general guidance.

The role of the investigating committee is clearly set forth in Article 10, Section 3 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). The committee's role is to "find the true facts and report to the Branch." The committee is required to "summon the parties" and to hear and record the testimony and documentary evidence presented by them. All parties are "entitled to be heard by the committee, to present evidence, and to cross-examine all witnesses who make statements to the committee."

I cannot comment on whether the investigating committee was improperly appointed or whether it is now conducting the investigation in an unfair manner, as you allege. Challenges to the appointment of the committee or the manner in which it conducts the investigation can be raised at the meeting at which the committee presents its report.

If necessary, these issues may also be raised in an appeal to the Committee on Appeals from the Branch's decision. Article 11, Section 1 of the CGSFB provides that "any member considering that an injustice has been done him/her by a decision of the Branch, may appeal in writing to the Committee on Appeals of the National Association." Thus, a charged party who has been found guilty has a constitutional right to appeal.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to

express any view as to the merits of the pending charges or any subsequent appeal.

**JOHN MONTA—GREENVILLE, SC, BRANCH 439
APRIL 7, 2022 (8610)**

This is in reply to your letter, received by my office April 5, 2022. As I understand your letter, you are challenging a decision by Branch 439 to require you to get a doctor's permission to serve as a delegate to the National Convention. You assert that this restriction violates the Branch By-laws which provide that you are a delegate by virtue of holding the office of Director of Retirees.

While I appreciate your concerns, I must advise that it would be inappropriate for me to intervene in this matter, particularly since I only have your side of the story. The Branch's decision may be appealed to the National Committee on Appeals. The procedure for initiating such an appeal is set forth in Article 11, Section 2 of the NALC Constitution for the Government of Subordinate and Federal Branches. As provided therein, "The appeal must be in writing and filed with the Recording Secretary of the Branch, together with any written testimony, arguments and briefs, within twenty days from the date of the Branch meeting at which the decision to be appealed from was made."

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any appeal that you may file.

SCOTT BEDELL—MONTEREY, CA, BRANCH 1310

APRIL 14, 2022 (8605)

This is in reply to your letter, dated March 26, 2022, in which you raise two issues pertaining to the election and compensation of Branch 1310's convention delegates.

So far as the NALC Constitution is concerned, the delegates previously elected to Conventions that were cancelled due to the pandemic may continue to serve as the Branch's delegates to the upcoming National and State Conventions. However, I cannot determine whether the failure to conduct a new election was contrary to the Branch's By-laws. If the branch determines that failure to conduct a new election was contrary to the Branch By-laws, and the Branch wants to conduct a special election, I would entertain a request for dispensation to allow the Branch to do so. Any such request should come from the President of the Branch.

As to your second question, the Branch may not expend funds in violation of its By-laws. I cannot determine, based solely on your letter, whether the Branch By-laws would prohibit the Branch from compensating a delegate who no longer satisfies the meeting attendance requirement in the By-laws. It is the Branch's responsibility to interpret and apply its own By-laws. If necessary, I would consider a request for dispensation to set aside a By-law restriction on delegate compensation. As noted above, such request should be submitted by the Branch President.

In addition, any expenditure of Branch funds that is not authorized by the By-laws, including delegate compensation, must be approved by a majority vote of the members present and voting at a Branch

meeting, in accordance with Article 12, Section 3 of the NALC Constitution for the Government of Subordinate and Federal Branches.

I trust that the foregoing addresses your concerns.

KEITH HOOKS—WASHINGTON, DC, BRANCH 142

APRIL 14, 2022 (8612)

This is in reply to your email, sent April 10, 2022, concerning your continuing dispute with Branch 142 officer Dennis Wright. Apparently, Brother Wright has been placed in non-duty status by the Postal Service under Article 16.7 of the National Agreement. In light of this situation, you have reassigned responsibility for serving as the Branch's Informal Step A Representative in the Clinton, Maryland Post Office from Brother Wright to Nadine Rasumussen. However, according to your email, Brother Wright is resisting your decision and has failed to turn over grievance files to Sister Rasumussen.

At the outset, while I appreciate your concerns, I must advise that it would be inappropriate for me to comment on the specific facts set forth in your email, particularly since I only have your side of the story before me. The dispute described in your letter must be addressed initially at the branch level. I can advise you of the following general principles.

Article 6, Section 1 of the NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB) provides that the Branch President shall "have general supervisory powers over the Branch," which includes the authority to "see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch." As previous rulings have consistently recognized, this provision confers upon the Branch President supervisory authority over subordinate officers.

Accordingly, as President you would have the authority to reassign grievance handling responsibility from one officer or member to another officer or member, and to require that grievance files be turned over to your designee. The failure of an officer to comply with the President's directive could be the basis for a charge under Article 10 of the CGSFB. Please note that I am providing a copy of this letter to Brother Wright.

Of course, any actions that you take must be consistent with the Branch By-laws. However, your email does not suggest that the Branch 142 By-laws contain any provisions that are relevant to this situation.

In addition, any decisions you make would be subject to appeal under the provisions of Article 11 of the CGSFB. As provided by Article 11, Section 1, a decision of the Branch President may be appealed to the Branch. The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB. I express no view as to the merits of any potential appeal or any charges that may be initiated.

I trust that the foregoing, at least in part, addresses your concerns.

MARVIN BOLIN—SAN FRANCISCO, CA, BRANCH 214

APRIL 15, 2022 (8613)

This is in reply to your letter, dated April 11, 2022, regarding the second set of charges that have

recently been filed against you under Article 10 of the Constitution for the Government of Subordinate and Federal Branches.

As indicated in my previous letter, I agree that intervention by the National Union is warranted to ensure that the charges are investigated impartially and in full compliance with Article 10. Therefore, by copy of this letter, I am again directing National Business Agent Bryant Almario to contact Executive Vice President Sosa to offer any guidance or other assistance that may be necessary to ensure that an impartial committee is appointed to investigate the charges filed by Brother Nelson. In accordance with my authority under Article 9, Section 1 of the NALC Constitution, I am authorizing Brother Almario to appoint the committee himself, if he believes that it is in the best interest of the Branch for him to do so. The committee may be the same committee investigating the initial set of charges or a different committee. Once again, the committee may include disinterested members from other Branches.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

EDUARDO RAMIREZ—CAMARILLO, CA, BRANCH 4114

APRIL 15, 2022 (8615)

This is in reply to your recent letter, received by my office April 11, 2022, requesting dispensation permitting Branch 4114 to conduct nominations and election of Branch officers and delegates. According to your letter, the Branch was unable to conduct its regular election in October 2021 because of the COVID pandemic. However, because the situation has improved, the Branch has been able to resume normal operations.

Please be advised that dispensation from me is not necessary, so long as the nominations and election are conducted in a manner that is consistent with the Branch's By-laws. All Branches that were forced to postpone their regular elections because of the pandemic can and should proceed with their elections as expeditiously as possible when circumstances permit them to do so. Accordingly, Branch 4114 should schedule its nominations and election and provide appropriate notice of the new dates to all members by mail.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

BRITTANY OLIVER—SHAWNEE, KS, BRANCH 5521

APRIL 18, 2022 (8614)

This is in reply to your email, sent April 12, 2022, concerning my letter to Branch 5521 Vice President Michael Harris Little Eagle and the situation in the Branch.

At the outset, I appreciate your taking the time to write. However, while I am sorry to hear about the problems in the Branch, I must repeat what I said in my previous letter: it would be entirely inappropriate for me to comment on the specific allegations in your email, particularly since charges are pending, and I only have your side of the story before me. The charges must be processed at the Branch level in accordance with the procedures set forth in Article



10 of the Constitution for the Government of Subordinate and Federal Branches.

As you may be aware, I previously directed National Business Agent David Teegarden to assist the Branch in appointing the committee to investigate the pending charges. I am forwarding your email to him. You should feel free to contact Brother Teegarden to discuss any ongoing issues in the Branch.

I trust that the foregoing, at least in part, addresses your concerns. Once again, this letter should not be read to express any view as to the merits of the pending charges or any subsequent appeal.

AMY BREAU—PITTSFIELD, MA, BRANCH 286
APRIL 19, 2022 (8621)

This is in reply to your email, sent April 18, 2022, requesting dispensation permitting Branch 286 to conduct its meetings at a new location, pending amendment of its By-laws. According to your email, the meeting location specified in the By-laws is no longer available.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JAVIER BERNAL—KINGWOOD, TX, REGION 10
APRIL 21, 2022 (8611 & 8511)

This is in reply to your recent emails concerning non-functioning Branches in Region 10. In accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby authorize the following.

Regional Administrative Assistant Shawn Boyd may arrange a merger of Branch 2691 with a functioning Branch that is prepared to represent the letter carriers in Clovis, New Mexico. Brother Boyd should notify all members by mail of the date and time of the meeting and serve as chair. In particular, he is authorized to conduct the vote to approve the proposed merger. The notice must be sent at least thirty days before the meeting and set forth the details of the proposed merger as set forth in Article 2, Section 3 of the Constitution. If the merger is approved, Brother Boyd may sign the merger application on behalf of Branch 2691.

Regional Grievance Assistant A.G. Ramirez is hereby authorized to convene meetings with the members of non-functioning Branches 4245, 4326, 6230 and 1142 to discuss the benefits of merging with other suitable Branches that are prepared to represent these members. In each case Brother Ramirez may convene merger meetings, upon thirty days notice, conduct the vote, and may sign merger applications on behalf of these Branches. Once again, in accordance with Article 2, Section 3, each notice must set forth the details of the proposed merger.

In addition, in all cases the receiving Branches will have to conduct a vote to approve each proposed merger, following appropriate and timely notice to their members.

Thank you for addressing these difficult situations. Please feel free to contact me if you need any additional assistance or guidance.

MARVIN BOLIN—SAN FRANCISCO, CA, BRANCH 214

APRIL 21, 2022 (8622)

This is in reply to your letter, dated April 19, 2022, concerning Branch 214's nomination of delegates to the National Convention. According to your letter, there were fewer members nominated to be delegates than the total number of delegates to which the Branch is entitled under Article 4, Sections 1 and 4 of the NALC Constitution.

In response to your request, this will confirm that when a Branch nominates fewer delegates than the total number to which the Branch is entitled, the nominees may be considered elected by acclamation. In such circumstances an election would not be required.

I trust that the foregoing addresses your concerns.

LYNNE PENDLETON—MARIETTA, GA, REGION 9
APRIL 21, 2022 (8623)

This is in reply to your email, sent April 20, 2022, inquiring whether a member of Branch 73 would be rendered ineligible to continue serving as a shop steward if she were to serve as a route examiner.

At the outset, the disqualification provided by Article 5, Section 2 of the Constitution for the Government of Subordinate and Federal Branches applies only where the member has held, accepted, or applied for a supervisory position. A letter carrier who simply performs a supervisory duty assigned by management would not necessarily be disqualified from serving as a steward.

Apart from the foregoing, the determination of whether a particular position is supervisory must be done on a case-by-case basis. From the limited information provided, the answer to the question turns on whether the member would represent the union or management while inspecting routes.

As previous rulings have recognized, an individual conducting mail count and route examinations on behalf of postal management is acting in a supervisory capacity. Accordingly, a member who accepts such a position would be disqualified from holding office in the branch under Article 5, Section 2.

I trust that the foregoing addresses your concerns.

DEANNE MORTON—GOTHENBURG, NE, BRANCH 2798

APRIL 25, 2022 (8629)

This is in reply to your letter, dated April 18, 2022, concerning the situation in Branch 2798. According to your letter, the President of the Branch has accepted a management position, and there are no other Branch officers who can succeed her.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 2798 dispensation to conduct a special election for Branch President and any other officer positions that may be exist in the Branch. By copy of this letter, I am directing National Business Agent Dave Teegarden to designate a representative from his office to provide whatever assistance the Branch may require to conduct the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DANIEL STILES—INVERNESS, FL, BRANCH 6013

APRIL 28, 2022 (8627)

This is in reply to your letter, dated April 18, 2022, objecting to a proposed merger of Branch 6013, Inverness, Florida with Branch 1025, Gainesville, Florida.

At the outset, you are entirely correct that the merger of two functioning Branches is a voluntary procedure. As set forth in Article 2, Section 3 of the NALC Constitution both Branches must vote to approve a proposed merger agreement setting forth the details of the merger. When both Branches have voted to approve the merger, an application signed by the President and Secretary of each Branch must then be submitted to the President of the NALC for approval.

So far as I am aware, the merger process described above has not been implemented with respect to Branch 6013, and there is no merger application pending.

However, apart from the merger process, there are separate procedures which may result in the transfer of certain members to another Branch. For example, on occasion I have received reports that a Branch has ceased to function as an NALC Branch and is not be capable of fully representing its members. Typically, in such situations there are no officers or stewards and there have been no meetings for an extended period of time. In such circumstances, I have declared the non-functioning Branches defunct and transferred their members to another functioning Branch.

Your letter indicates that Branch 6013 may no longer have any officers. If the Branch ceases to function, I will have to consider an administrative transfer of the Inverness Post Office to another Branch that is capable of representing the membership. You should continue to discuss this issue with your National Business Agent Lynne Pendleton. I am prepared to grant the Branch dispensation to conduct another special election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

CAROL MAGGIO—SAN RAFAEL, CA, BRANCH 214

APRIL 28, 2022 (8630)

This is in reply to your email, sent April 25, 2022, concerning the status of Branch 214's convention delegates.

At the outset, I cannot comment on the specific allegations of improprieties set forth in your email, particularly since I only have your side of the story before me. In addition, any disputes as to the status of the Branch's delegates to the California State Association Convention would have to be resolved by the State Association. I can provide the following information with regard to the National Convention.

I have been advised by Branch President Bolin that the Branch accepted nominations for delegates to the National Convention by mail and email and that there were fewer nominees than the total number of delegates to which the Branch is entitled. On April 21, I sent a letter to Brother Bolin confirming that when a Branch nominates fewer delegates than the total number to which the Branch is entitled, the

nominees may be considered elected by acclimation, so that an election would not be required. A copy of my letter is enclosed.

In response to the issues you have raised, I would be prepared to consider a request from the Branch for dispensation to conduct another round of delegate nominations to fill the remaining slots. However, if the Branch does conduct new nominations, and the number of nominees exceeds the number of available positions, the Branch would have to conduct an election.

Please note that I am providing a copy of this letter to Brother Bolin.

I trust that the foregoing addresses your concerns, at least in part.

**KYLE NELSON—MARTINEZ, CA, BRANCH 214
MAY 3, 2022 (8634)**

This is in reply to your email, sent May 1, 2022, complaining that the committee appointed to investigate the charges you have filed against Branch 214 President Bolin has been restrained by a 16-hour cap on their work.

Please be advised that it would be entirely inappropriate for me to intervene in this matter or to comment on your allegations, particularly since I only have your side of the story before me. I can provide the following guidance.

The role of the committee, as clearly set forth in Article 10, Section 3 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB), is to “find the true facts and report to the Branch.” The committee is to “summon the parties” and to hear and record the testimony and documentary evidence presented by them. All parties are “entitled to be heard by the committee, to present evidence, and to cross examine all witnesses who make statements to the committee.” The committee may interview witnesses in addition to the charging and charged parties. Article 10, Section 3 requires that upon completion of the investigation, the committee must submit a written report to the Branch incorporating its findings of fact. Fulfillment of these duties cannot be limited by a cap on the committee’s work hours.

However, the issue of compensation is an entirely different matter. There is no language in the Constitution which addresses compensation for committee members or witnesses for time spent on an investigation. The issue of compensation is entirely a local matter which must be resolved, at least in the first instance, at the Branch level, in accordance with the Branch By-laws. Any decisions by officers of the Branch concerning such compensation may be appealed in accordance with Article 11, Section 1 of the CGSFB.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to any issue relating to the investigation of your charges or any of the other matters cited in your letter.

**CHARLES DURBIN, JR.—SELLERSBURG, IN, BRANCH 553
MAY 9, 2022 (8639)**

This is in reply to your letter, received by my office on April 27, 2022, in which you voice your objection to the selection of a steward in Branch 553.

While I appreciate that you have strong concerns regarding this issue, I must advise that any intervention by me would be entirely inappropriate. Article 5, Section 2 of the NALC Constitution for the Government of Subordinate and Federal Branches specifically provides that “all regular members shall be eligible to hold any office or position in the Branch,” with the sole exception being the two-year disqualification for those who hold, accept or apply for a supervisory position in the Postal Service. The Constitution does not provide for the disqualification of a member from holding office in the Branch based on their disciplinary record.

Accordingly, I cannot provide a favorable reply to your letter. However, I do appreciate your taking the time to write and sharing your concerns.

**BARRY WILSON—CARMICHAEL, CA, BRANCH 4494
MAY 9, 2022 (8640)**

This is in reply to your letter, received by my office May 2, 2022, requesting dispensation permitting Branch 4494 to waive its minimum meeting attendance requirement for paid delegates to the 2022 National Convention. According to your letter, the Branch would like to compensate its Vice President for attending the Convention. However, he was unable to satisfy the minimum attendance requirement due to medical issues.

Your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant dispensation permitting Branch 4494 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the Branch’s minimum meeting attendance requirement.

However, the members will have to vote on this matter. In the absence of authorization in the Branch By-laws, any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the Constitution for the Government of Subordinate and Federal Branches. The members may vote to establish the number of paid delegate positions to which members may be elected and any criteria delegates must satisfy in order to receive Branch funds.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**KEITH HOOKS—WASHINGTON, DC, BRANCH 142
MAY 9, 2022 (8642)**

This is in reply to your email, sent May 3, 2022, requesting that I resolve an apparent dispute in Branch 142 over the proper procedures for authorizing certain expenditures of Branch funds.

While I appreciate your concerns, it would be entirely inappropriate for me to comment on the specific issues described in your email. As National President, it is my responsibility to interpret the NALC Constitution. The issue described in your letter depends on the interpretation and application of the relevant Branch By-law language. Such disputes must be resolved, in the first instance, at the Branch level.

As Branch President, you have the authority to rule on the meaning of the Branch By-laws. However,

your ruling may be appealed to the Branch under Article 11, Section 1 of the NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB). The Branch’s decision may be appealed to the National Committee on Appeals pursuant to Article 11, Section 2 of the CGSFB.

If the By-laws are ambiguous, I would suggest that the Branch enact a clarifying amendment which reflects the will of the members.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

**CRAIG BISHOP—ELK GROVE, CA, BRANCH 214
MAY 9, 2022 (8643)**

This is in reply to your email, sent May 5, 2022 on behalf of the committee investigating the charges brought by Branch 214 member Kyle Nelson against Branch President Marvin Bolin. According to your email, the Branch was unable to conclude its investigation in time to submit its report to the Branch meeting on May 4. However, at the May 4 meeting, no one made a motion to continue the investigation as provided by Article 10, Section 1 of the NALC Constitution for the Government of Subordinate and Federal Branches. You now ask for my guidance as to how to proceed.

Prior rulings have recognized that circumstances sometimes arise which prevent an investigating committee from completing its investigation within the time frame provided by Article 10, Section 1. The rulings have instructed committees in these circumstances to complete their investigations as soon as possible. Since the Branch failed to extend the time of the investigation, I am hereby granting Branch 214 and the committee dispensation to extend the time needed to complete the investigation and to vote on charges.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**TED LEE—PITTSBURGH, PA, BRANCH 84
MAY 12, 2022 (8646)**

This is in reply to your letter, dated May 6, 2022, inquiring about the requirement that delegates to the upcoming National Convention be fully vaccinated in order to attend any Convention related events.

Please be advised that NALC’s paramount concern is for the safety of all persons involved with the Convention. Accordingly, we are not considering granting any exemptions to the vaccine requirement, including a religious exemption.

As to your second question, delegates are free to decide for themselves whether to attend the Convention. No dispensation from me is required. However, in accordance with the Constitution and federal law, all delegates who do attend must have been elected.

I trust that the foregoing addresses your concerns.

**CHRISTIAN RODRIGUEZ—SPRINGDALE, AR, BRANCH 3671
MAY 13, 2022 (8647)**

This is in reply to your letter, dated May 13, 2022, requesting dispensation permitting Branch 3671 to schedule its nomination of delegates to the 2022 National and State Conventions out of time. According to your letter, the Branch inadvertently failed to hold its nominations as scheduled



In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 3671 dispensation to conduct nominations and, if necessary, an election of its delegates. The Branch must provide appropriate and timely notice of the nominations and election to all active and retired members as expeditiously as possible.

By copy of this letter, I am advising Secretary-Treasurer Nicole Rhine that the Branch may register its delegates after the registration deadline.

Please understand that this dispensation applies only to the 2021 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the Constitution, and the NALC Regulations Governing Branch Election Procedures.

I trust that the foregoing addresses your concerns.

**TOMIKA BULLARD—CHICAGO, IL, BRANCH 11
MAY 19, 2022 (8649)**

This is in reply to your letter, received by my office May 16, 2022, concerning your removal as shop steward for the Cragin Post Office by Branch 11 President Mack Julion.

Please be advised that there is no basis for any intervention by the National Union in this matter at this time. It appears that Brother Julion's actions were based on a provision of the Branch 11 By-laws. Disputes over the application of By-law provisions must be resolved, in the first instance, at the Branch level.

Decisions by a Branch President may be appealed to the Branch under Article 11, Section 1 of the NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB). The Branch's decision may be appealed to the National Committee on Appeals under Article 11, Section 2 of the CGSFB.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits or timeliness of any appeal that you may bring.

**CHRISTINA AUGUST—SAN FRANCISCO, CA,
BRANCH 213**

MAY 31, 2022 (8655)

This is in reply to your letter, dated May 23, 2022, concerning Branch 214's upcoming vote on charges against Branch 214 President Bolin.

According to your letter, Branch 214 is conducting hybrid meetings, with some members in attendance while others participate by ZOOM. Your question is whether the members participating by ZOOM would be able to vote in this circumstance.

I am advised that it should be possible for all members participating in a Branch meeting by ZOOM to cast a vote. By virtue of video conferencing technology, members participating in a meeting remotely can fairly be said to be "present and voting" within the meaning of Article 10 of the Constitution for the Government of Subordinate and Federal Branches (CGSFB). Accordingly, these members may vote on the threshold issue of "whether or not the facts, as found by the committee, sustain the charge," as required by Article 10, Section 3.

Of course, as you note, Article 10, Section 4 of the CGSFB does require a two thirds secret ballot vote for questions of expulsion or removal from office, and for the imposition of a fine. We are not aware of any video conferencing platforms which allow votes to be cast by secret ballot. Accordingly, if the Branch does not have the technological capacity to allow remote participants to vote by secret ballot, then the vote on these proposed penalties would have to be limited to the members who physically attend the meeting.

Lesser penalties, such as suspension or reprimand,

may be adopted by a simple majority vote and need not be by secret ballot. Accordingly, remote participants may vote on these lesser penalties.

In all instances, the Branch must verify that any remote participant in the meeting who casts a vote by ZOOM is a member of Branch 214. We recommend that each participant identify themselves by their full name and work location when they first log into the meeting.

Finally, NALC Assistant Secretary-Treasurer Paul Barner may be contacted for technical advice regarding ZOOM capabilities.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**JOHN LACY—CEDAR CITY, UT, BRANCH 3574
MAY 31, 2022 (8659)**

This is in reply to your letter, dated May 28, 2022, advising that the President, Vice President, and steward of Branch 3574 have all resigned and that there are no provisions in the Branch By-laws for succession to these offices. As the highest ranking remaining officer, you now ask for dispensation permitting the Branch to conduct a special election and authorizing you to appoint an election committee.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the NALC Constitution, I hereby grant Branch 3574 dispensation to conduct a special election for Branch President, Vice President, Steward, and any other officer positions that may be vacant in the Branch. As requested, you may appoint an election committee. By copy of this letter, I am directing your National Business Agent Nick Vafiades to provide whatever additional assistance the Branch may require to conduct the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.