

BY-LAWS

**Communications Workers of America (CWA)
Local 9423**

2024



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**ARTICLE I
NAME**

This Local shall be known as Local 9423, Communications Workers of America. District I, Santa Clara, San Mateo and Santa Cruz Counties; District II, San Benito, Monterey and San Luis Obispo Counties.

**ARTICLE II
JURISDICTION**

This Local shall have jurisdiction over Communications Workers as defined according to the charter issued by the Union.

**ARTICLE III
OBJECTS**

The object of Local 9423 shall be to represent and serve the workers within it's jurisdiction in accordance with the By-Laws and rules of the Local and the Constitution and policies of the Union.

**ARTICLE IV
LOCAL STRUCTURE**

The structure of the Local shall consist of the following:

- 1) The Membership
- 2) An Executive Board
- 3) Elected Officers
- 4) Standing and Special Committees
- 5) Stewards

ARTICLE V MEMBERSHIP

Section 1. Eligibility

Any person eligible for membership in the Communications Workers of America, as defined in Article V of its constitution, shall be eligible for membership in this Local, if performing work within the Local's assigned jurisdiction, or if employed on a part or full time basis by the Union.

Section 2. Application

Membership in the Local shall be obtained after the payment of a Local initiation fee of \$2.50, and upon the approval of the membership committee or committees authorized to accept membership in behalf of the Local, subject to the right of the Local to overrule the decision of the membership committee. The Local's portion of the fees may be waived by the Local Executive Board, subject to membership approval.

Section 3. Members In Good Standing

A member in good standing shall be defined as any person who has fulfilled the requirement for membership in this Local. Only members in good standing shall be allowed to participate in the business and the voting of this Local.

Section 4. Transfers

The transfer of membership from this Local to the jurisdiction of another Local and from another Local to the jurisdiction of this Local shall be made in accordance with Article V of the Union Constitution.

Section 5. Termination

The termination of membership from this Local shall be made in accordance with Article V of the Union Constitution.

Section 6. Responsibility

It will be the responsibility of each member to provide their current address, telephone number and work location.

Section 7. Reinstatement

Any member that gives a written resignation to this Local must appear in person before the Executive Board when reapplying for membership.

Section 8. Resignations

Resignations will become effective 30 days after a Local Officer receives written notification from the sender.

**ARTICLE VI
DUES AND ASSESSMENTS**

Section 1. Local Dues

Each member of this Local shall pay monthly membership dues in the amount of 2-1/4 hours basic hours pay per month. *PVUSD members shall pay a minimum of 5% of their base wage.* Membership dues may be changed only by a majority of those voting on the question by secret ballot referendum, or by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised in the Local's newsletter at least 30 days in advance of the meeting or by notice mailed postage pre-paid to each member at least 30 days in advance of the meeting.

Section 2. Local Special Assessments

The membership of this Local may levy special assessments only in the same manner as provided for changing Local dues, however, any special assessment levied shall be in compliance with Article VI of the Union Constitution.

**ARTICLE VII
GOVERNING AUTHORITY**

The affairs of this Local shall be governed by its membership in accordance with the Constitution and policies of the Union in the following manner:

- (a) Through action taken in membership meetings or by referendum of the membership.

- (b) Through actions and decisions of the Executive Board between membership meetings.
- (c) Through actions and decisions of the Local officers between membership meetings and meetings of the Executive Board.
- (d) The actions and decisions of the Executive Board and officers of the Local between Local meetings may be overruled by the membership in a Local meeting or by referendum.
- (e) The Executive Board shall consist of the President, Secretary-Treasurer, District Vice President(s) and Executive Board members.

ARTICLE VIII LOCAL MEETINGS

Section 1.

(a) Membership Meetings

Regular meetings of the Local shall be held *every other* month on a day determined by the Local membership at a regular membership meeting. *The membership meetings shall rotate from the San Luis Obispo area, Salinas area, Santa Cruz area, San Jose, Mt. View area and San Mateo area.* Special meetings of the Local may be called by a majority of the Local officers, or by a petition signed by ten (10) percent of the members in good standing.

Quarterly local-wide membership update meetings will be held via the internet.

Upon receipt of a proper petition, the President shall call a special meeting to be held within ten (10) days.

Membership meetings and any other business of this Local shall be conducted under these By-Laws and such rules as the Local may adopt from time to time, in conformity with the Union Constitution. On questions where the Local By-Laws, the Local Rules or the Union Constitution does not clearly apply, Roberts Rules of Order shall govern.

(b) Executive Board

The Executive Board shall meet each month prior to the regular membership meeting and shall function as provided in Article XI, Section 6 of these By-Laws.

(c) Stewards Meetings

Regular meetings of Local Stewards shall be held each month on a day determined by

the Local Stewards at a regular Stewards meeting.

(d) Committee Meetings

Each committee shall meet when called by the chairperson or the Executive Board. A majority of the members of a committee shall constitute a quorum.

Section 2. Quorum

The number constituting a quorum for Local meetings shall be 2% of the membership.

Section 3. Sergeant-At-Arms

Sergeants-At-Arms, appointed by the President shall keep a log of all members attending meetings. They shall check all membership cards to see that only members in good standing with proper credentials are admitted.

All visitors shall be seated by a Sergeant-At-Arms in a section separate from the voting membership.

Section 4. Motions

All motions to be considered under new business shall be presented in writing to the Recording Secretary of the Local at the time of said motion. Said motion shall be presented to the next scheduled membership meeting.

Section 5. Order of Business

1. Call meeting to order
2. Salute to the flag
3. Roll call of Officers and Executive Board
4. Reading of the Executive Board minutes
5. Communications
6. Officer and Committee reports
7. Old Business
8. New business
9. Good and welfare

The order of business may be suspended by a two-thirds (2/3) vote of the members present.

**ARTICLE IX
LOCAL DELEGATES TO UNION CONVENTION**

Section 1.

Delegates and alternates to the Union Convention shall be nominated and elected by the membership voting by secret ballot conducted not less than thirty (30) days in advance of the Union Convention, on the day of the membership meeting, or by referendum ballot as provided in Article X.

Section 2. Delegates

- (a) The President shall be a delegate and shall be the chairperson of the delegation.
- (b) All other officers shall be delegates.

Section 3. Additional Delegates

In the event the Local elects additional delegates to the Union Convention the votes shall be assigned equally except when there is an odd vote it shall be added to the votes assigned to the chair person.

Section 4. Alternates

All Executive Board Members shall be alternates.

Section 5. Certification

It shall be the duty of the Secretary-Treasurer of the Local to certify the Local delegates to the Union convention to the Secretary-Treasurer of the Union.

**ARTICLE X
COMMITTEES**

Section 1. Local Committees

Members of all Local committees shall be appointed by the Local President subject to the right of the Local membership to overrule such appointments. The chairperson of all committees shall be by nomination and election of said committee.

Section 2. Vacancies

Vacancies on committees shall be filled in the same manner as the original appointments.

Section 3. Removal

Members of all Local committees may be removed by the Local President, subject to the right of the Local Executive Board to overrule such removals.

Section 4. Membership Committee

The Membership Committee shall accept or reject membership applications in accordance with the Local By-Laws or Rules and the Constitution and Policies of the Union.

Section 5. Organizing Committee

The Organizing Committee shall assist the Local Officers and Stewards in organizing all workers within the Local's jurisdiction.

Section 6. Legislative - *Political* Committee

The Legislative - *Political* Committee shall assist in developing and pursuing the programs of the Union and the Local in the legislative field. It shall be responsible for the Local's program to register qualified voters and shall be responsible for the Local's program of soliciting voluntary contributions.

Section 7. Education Committee

The Education Committee shall assist in developing the Local's educational program and with the Local Officers, be responsible for effectuating the Union's and the Local's educational programs.

Section 8. Election Committee

(a) The nomination and election of Local Officers, members of the Executive Board and delegates to the CWA Convention shall be conducted under the supervision of the Election Committee. This committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with the Union Constitution and these By-Laws with reasonable opportunity for each member to nominate and vote for the candidate of his or her choice.

(b) At least fifteen (15) days notice of nominations and/or elections must be mailed to each member at his or her last known address.

(c) The Local Election Committee or the Secretary-Treasurer must preserve the ballots and other election records for one year.

(d) The Election Committee shall also conduct any referenda submitted to the membership.

(e) A member shall not be permitted to serve on the Election Committee if a candidate for any office of the Local or delegate to the CWA Convention.

(f) All questions concerning the conduct and challenge of elections shall be determined by the Election Committee subject to the right of the written appeal to the membership of the Local as specified in the CWA Constitution.

(g) The Election Committee shall supervise the mailing of the notices of nominations and elections and shall file a written report with the Secretary-Treasurer stating the date and number of notices that were mailed.

(h) The Election Committee shall obtain a Post Office Box prior to sending the notice of nominations as mentioned in paragraph (b). The notice shall include instructions that absentee ballot requests and absentee ballots are to be sent to the Post Office Box. The notice shall include an "Absentee Ballot Request" form. Absentee ballots may only be obtained from the Election Committee chairperson by written request, via U.S. Mail, addressed to the Post Office Box. Each absentee ballot shall be in a separate, stamped envelope and shall be on an official form. Absentee ballots shall be returned via U.S. Mail, prior to 3:00 P.M. on Election Day.

Each absentee ballot shall be in a separate stamped envelope as follows:

The ballot shall be sealed in a plain envelope marked ballot and addressed to the Election Committee chairperson. The members name and address must appear on the upper left hand corner of the ballot envelope. The Election Committee shall check the returned absentee ballots against a list of those sent out, remove the plain envelope containing the ballot and place it in the ballot box to be counted with the ballots cast on Election Day.

(i) "Referendum" - The Election Committee shall within thirty (30) days submit any questions to a referendum of the membership, when directed to do so by action of the Executive Board and/or a regular or special membership meeting.

Propositions submitted to referendum shall be determined by a majority vote of those voting on the question. The Election Committee shall obtain a Post Office Box prior to sending the notice of nominations as mentioned in paragraph (b). The notice shall include instructions as follows:

- Notice of election and instructions for voting
- One official unmarked ballot
- One ballot envelope
- One return addressed envelope, with space for voter's name, address and space for voter's signature in the upper left-hand corner.

Referendum ballots may only be obtained from the Election Committee chairperson and shall be returned via U.S. Mail prior to 3:00 P.M. on the predetermined cut off date. Each referendum ballot shall be in a separate ballot envelope enclosed inside a stamped return envelope, as stated above.

The Election Committee shall verify the returned ballots against a list of those sent out; remove the plain envelope containing the ballot to be counted with all other ballots at the completion of the verification process.

(j) The Election Committee shall consist of not less than five (5) Members.

Section 9. Community Service Committee

The Community Service Committee shall be responsible for the Local's community service activities in the Local and the community and shall act as the welfare committee of the Local.

Section 10. Member Benefit Committee

The Member Benefit Committee shall review and recommend benefit programs to the Local membership.

Section 11. *Equity and Human Rights Committee*

The Committee on Equity and Human Rights shall study and report to the Local on the ways and means of eliminating discrimination on the basis of sex, race or any other

basis. The committee will also support the Union-to-Union projects that support workers around the world.

Section 12. Building Committee

The Building Committee shall be appointed by the President and confirmed by the Executive Board. It shall be composed of five (5) members. The Building Committee shall manage and control, under the direction of the Executive Board, and subject to the functions of the Secretary-Treasurer with respect to the making of disbursements connected therewith, any and all real estate which the Local may acquire for use as a Local headquarters or for the furtherance of any legitimate object of the Local.

The members of the Building Committee, for the time being, shall serve as trustees for the Local, under the direction of the Executive Board for the purpose of acquiring and holding title to, managing, controlling, borrowing money upon, pledging by way of mortgage or deed of trust any loan secured thereon, leasing, letting, subletting and conveying in fee simple or in any lesser estate and all real estate which may be acquired or otherwise dealt with for or on behalf of the Local.

The foregoing powers shall be exercised only at such times and in such manner as the Local membership may, from time to time, direct by resolution of a majority of the members of the Local present in a regular or special membership meeting of the Local at which a quorum is in attendance.

The Executive Board shall have the full and irrevocable power to appoint a substitute trustee or trustees to be exercised at any time, from time to time, without notice and without specifying any reason therefore, the trustee or trustees so appointed to become fully vested with identically the same title and estate in and to the land, premises and property forming the subject matter of the trust, with all the rights, powers, trusts and duties of his or their predecessor in the trust, with like effect as if originally named as one of the trustees.

Section 13. Other Committees

Duties of other committees shall be determined by the Local Executive Board, subject to the right of the Local membership to overrule the determination of the Executive Board.

ARTICLE XI
DUTIES OF LOCAL OFFICERS, EXECUTIVE BOARD MEMBERS AND
STEWARDS

Section 1. Officers

The Officers of the Local shall be:

- (a) The President
- (b) Secretary-Treasurer
- (c) District I Vice President(s)
- (d) District II Vice President(s)

Section 2. Duties of the President

- (a) The President shall hold no other office in the Local.
- (b) The President shall preside over all meetings of the membership and Executive Board.
- (c) The President shall be responsible for the conduct of the Local including:
 - (1) Prosecution of grievances and appealing them to higher levels of the Union, if not satisfactorily settled.
 - (2) Supervision of all committees of the Local.
- (d) The President shall call regular and special meetings as required by these By-Laws.
- (e) The President shall approve all bills and countersign checks drawn on the Treasury of the Local.
- (f) The President shall appoint and/or delete *Area* stewards and stewards.
- (g) The President shall have such additional duties as assigned by the Local membership and the Local Executive Board and by the Constitution or policies of the Union.

Section 3. Duties of the District Vice Presidents

- (a) District I Vice President will be nominated from the District I geographic areas. The District II Vice President will be nominated from the geographic areas of District II.
- (b) The District Vice Presidents shall hold no other office in the Local.
- (c) The District Vice Presidents shall work under the direction of the Local President and shall perform such duties as assigned by the Local President, the Executive Board and the Local Membership.

Section 4. Duties of the Secretary-Treasurer

- (a) The Secretary-Treasurer shall hold no other office in the Local.
- (b) The Secretary-Treasurer shall be responsible for keeping all monies, securities and other assets of the Local.
- (c) The Secretary-Treasurer shall keep all contracts, documents, books, manuscripts, etc., belonging to the Local.
- (d) The Secretary-Treasurer shall maintain a record of the Local membership, grievances/arbitration cases and shall keep minutes of all Local and Executive Board meetings.
- (e) The Secretary-Treasurer shall, with the approval of the Local President, pay all the bills of the Local.
- (f) The Secretary-Treasurer shall keep a complete set of books in such a manner that will show all the business and transactions of the Local, its debts, liabilities, and assets, and shall submit a monthly report on all receipts and expenditures to the Executive Board and the membership at each regular meeting.
- (g) The Secretary-Treasurer shall be bonded, as must any other person who handles Local funds, in accordance with the Union Constitution, or any State or Federal Laws.
- (h) The Secretary-Treasurer shall be responsible for furnishing the District 9 Vice President with two (2) copies of any changes in the Local By-Laws within ten (10) days after such changes are made.
- (i) The Secretary-Treasurer shall work under the direction of the Local President and shall perform such duties as assigned by the Local President, the Executive Board and the Local membership.
- (j) The Secretary-Treasurer shall prepare a budget in consultation with other officers.
- (k) The Secretary-Treasurer shall handle bonding coverage for the Local.
- (l) The Secretary-Treasurer shall meet all Federal/State/City report requirements.
- (m) The Secretary-Treasurer shall arrange for an annual audit.

Section 6. Duties and Powers of the Executive Board

- (a) The Executive Board shall be responsible for making decisions and taking action on behalf of the Local membership between Local meetings on all matters concerning the good and welfare of the membership.
- (b) A majority of the Executive Board shall constitute a quorum.
- (c) The Executive Board shall approve and/or recommend an annual budget *which includes officer wages and compensation*, prepared by the Finance Committee for presentation to the membership for approval and shall approve and/or recommend any amendments to the budget during the fiscal year. A copy of the proposed budget shall be mailed to all

members fifteen (15) days prior to the membership meeting where it will be considered for approval by the membership. A budget that has been adopted at a regular membership meeting may be amended by a majority vote at a Local membership meeting provided that a notice of such amendment has been given by a notice-of-motion at a regular meeting of the membership at least twenty-eight (28) days prior to the vote or as advertised to the membership by U.S. Mail at least fifteen (15) days in advance of the meeting.

(d) The Executive Board with the Local President shall be responsible for the development of the Local meeting agenda.

(e) The Executive Board shall examine all bills, vouchers and Secretary-Treasurer's reports for the previous month.

(f) The Executive Board shall be responsible for the operation of strike action procedures as outlined in the Union Constitution and Defense Fund Rules.

(g) The Executive Board shall fill vacancies as provided in Article XII, Section 5 of these By-Laws.

(h) It shall be the duty of the Executive Board to maintain an effective steward organization at all times.

(i) The appointment and/or deletion of *Area* stewards and stewards shall be subject to the approval of the Executive Board and the right to the Local membership to overrule such appointments.

(j) The Executive Board, upon direction of the Local President, will assist the officers in the administration of the Local.

Section 7. Duties of Local Stewards and Area Stewards

(a) Stewards shall be responsible for signing all non-members in their work location and/or in the Local jurisdiction.

(b) Stewards shall see that the contract is observed, initiate grievances and assist in processing them.

(c) Stewards shall see that the membership is informed at all times about Union policies, programs, bargaining, political action, legislation and other important Union activities and see that there is full participation by the membership.

(d) The *Area* Stewards shall assist the Officers in the administration of the Local ***and oversee the Stewards and the grievance process in their respective Areas. The Areas are defined as those used by the Executive Board positions.***

(e) Stewards shall attend Local meetings.

(d) ***Bargaining Units, with Executive Board approval, may conduct votes on Steward's appointment.***

**ARTICLE XII
NOMINATION AND ELECTION
OF LOCAL OFFICERS AND EXECUTIVE BOARD MEMBERS**

Section 1. Term of Office

- (a) The term of office for Officers and Executive Board members shall be three (3) years.
- (b) Newly elected Officers and Executive Board members shall take office ten (10) days after the tentative certification, absent challenge to the election.

Section 2. Nominations

Nominations of Local Officers and Executive Board members shall be made on the day of the membership meeting in the month of October of each third year, beginning with 1972.

- (a) Any member running for Local office must be present, or submit a letter of his/her intention to do so to the Local Recording Officer prior to nominations.
- (b) No write in votes will be acceptable.

Section 3. Elections

- (a) Elections of Local Officers and Executive Board members shall be by secret ballot cast on the day of the membership meeting, or by referendum ballot as provided in Article X, in the month of November of each third year, beginning with 1972.

Section 4. Procedure

The order of nominations and elections shall be as follows:

1. President
2. Secretary-Treasurer
3. District I Vice President
4. District II Vice President
5. District I Executive Board Members (**6** seats)
6. District II Executive Board Members (2 seats)
7. At Large Executive Board Members (**3** seats)

District I Executive Board Members will comprise the Santa Cruz area - 1 seat; the Peninsula

area - 1 seat, the San Mateo area - 1 seat and the San Jose area - 3 seats; District II will comprise Salinas area - 1 seat and San Luis Obispo area - 1 seat; At large will be ***comprised from the Airline, Mobility, Government/Public, workers, Union Staff or CSI Bargaining Units*** – 3 seats.

Section 5. Vacancies

- (a) A vacancy in the office of President shall be filled by the ***District 1 Vice President***.
- (b) Vacancies in other offices shall be appointed by the Executive Board, subject to the approval of the membership present at a membership meeting within sixty (60) days of the vacancy, as provided in Article XV, Section 3, (d) of the Union Constitution.

Section 6. General Provisions

- (a) Only members in good standing shall be eligible to vote or hold office in the Local.
- (b) The nominees in any election receiving a majority of the votes cast shall be declared elected except in elections for convention delegates and alternates. If no onenominee receives a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.
- (c) Nominees for convention delegates and alternates shall be declared elected in the order in which they receive the greatest number of votes cast.
- (d) There will be a single ballot, the number of persons, in accordance with Article VIII, Section 4 of the Union Constitution, with the highest number of votes will be the convention delegates; the number of persons, in accordance with the Union Constitution with the next highest number of votes will be the alternates.
- (e) In the event of election by acclamation for the purpose of selecting convention delegates, and / or alternate delegates by random drawing of names.

**ARTICLE XIII
STRIKES**

Section 1. Authorization

The calling, conduct and termination of strikes affecting this Local shall at all times be carried on in compliance with the rules prescribed by the Union Constitution.

Section 2. Strike Rules

During a duly sanctioned strike all members will be required to perform strike assignments unless excused.

**ARTICLE XIV
CHARGES, TRIALS AND APPEALS**

Section 1. Charges

Members of this Local may be fined, suspended or expelled for any of the acts enumerated in Article XIX of the Union Constitution.

Section 2. Trials

Any accused member, including officers of this Local shall be tried under the provisions of Article XXI of the Union Constitution.

Section 3. Local Trial Court

- (a) A trial court of this Local shall be composed of five (5) persons who are members of this Local and not parties to the proceedings.
- (b) Members of the trial court shall be appointed by the Executive Board, subject to the approval of the membership. (Trial courts shall be disbanded when all proceedings brought before it are closed.)
- (c) The court shall be bound to render a decision and if the accused is found guilty, impose a penalty without bias or prejudice, based on all evidence presented.
- (d) A prosecutor who is a member of the Local shall be appointed by the Executive Board of the Local to assist the accuser in the trial and present evidence. (The prosecutor shall be relieved of his/her duties when all proceedings brought before the court are closed.)
- (e) The trial shall be held speedily with due notice to the accused.
- (f) The accused shall have the right to produce witnesses and present documentary evidence and to be heard on his/her own behalf. He/she shall have the opportunity to cross examine witnesses.
- (g) All witnesses shall testify under oath.
- (h) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial.
- (i) A faithful record of the proceedings shall be made.
- (j) The Local may suspend the accused pending the final decision on an appeal.

Section 4. Appeals

A member or officer of this Local, upon being found guilty by Local trial court, may appeal as provided in Article XXI of the Union Constitution.

**ARTICLE XV
RECALL OF LOCAL OFFICERS**

An elected officer of this Local may be recalled in accordance with the provisions of Article XX and Article XXII of the Union Constitution.

**ARTICLE XVI
RECALL OF EXECUTIVE BOARD MEMBERS**

A recall of an Executive Board member shall be conducted in the same manner as a recall of Local officers.

**ARTICLE XVII
FISCAL YEAR AND AUDIT**

The fiscal year of the Local shall be from October 1st to and including September 30th of the succeeding year.

The fiscal records of this Local shall be audited by a public accountant at the end of each fiscal year.

The result of such audit shall be available for inspection of any members of this Local.

**ARTICLE XVIII
OATH OF OFFICE**

A person elected to an office of this Local after meeting all other qualifications shall be duly installed upon taking the following oath:

"I (give name) hereby accept the office (name of office) of Local 9423, Communications Workers of America, with full knowledge of the responsibilities and duties of such office.

I promise to faithfully discharge my duties according to the By-Laws and Rules of the Local and the Constitution and policies of the Union.

I further promise to give my successor in office, all books and records in my possession. I shall at all times, endeavor to serve my Local and the Union to the best of my abilities."

**ARTICLE XIX
ADOPTION**

These revised By-Laws were adopted on *August 19, 2024*, and replace the By-Laws adopted November 19, 2020.

Revised: **08/19/2024**

