

# **Local Union Elections Manual**

**(Including supplementary provisions for  
Amalgamated Local Unions)**



**UNITED STEELWORKERS  
Five Gateway Center  
Pittsburgh, PA 15222**

**December, 2008**

Officer's Letter.....	1
I. Provisions of International Constitution	
Governing Local Union Elections.....	4
ARTICLE III—Eligibility.....	4
ARTICLE VI—Conventions.....	5
ARTICLE VII—Local Unions .....	7
ARTICLE VIII—Duties of Local Union Officers .....	11
ARTICLE XI—Membership .....	12
II. Explanation and Interpretation of Provisions of International Constitution and Requirements of Landrum-Griffin Act Governing Local Union Elections .....	13
Basic Principles .....	13
Notices.....	17
Nominations.....	21
Eligibility .....	22
Article III, Section 3, Subversive Membership and Criminal Convictions ...	22

Article VII, Section 9, Good Standing and Employment within the jurisdiction of the Local Union.....	25
Article VII, Section 10—Meeting Attendance .....	27
Election Committee (Tellers).....	37
Duties of Election Committee (Tellers) ...	39
Ballots and Election Records .....	43
Absentee Ballots.....	44
Polling Places.....	48
Mail Ballots and Voting Machines.....	51
Secret Ballot .....	51
Reports, Protests and Appeals .....	53
Installation of New Officers.....	55
Vacancies.....	56
Other Important Requirements .....	59
III. International Convention Delegates .....	61

IV. Supplementary Provisions for Amalgamated Local Unions .....	66
Unit Positions .....	66
Notices and Nominations .....	67
Eligibility .....	68
Election Committee (Tellers).....	70
Installation of Unit Officials.....	71
Vacancies.....	72
Other Important Requirements .....	72
International Convention Delegates .....	73
V. Conclusion.....	74
APPENDIX .....	75
I. Local Union Elections—The effect of layoffs and shutdowns on eligibility to vote and be a candidate.....	75
II. PERTINENT PROVISIONS OF RECENT MERGER AGREEMENTS .....	82
Sample Letter to Members Nominated for Local Union Office but not Eligible on the Basis of Local	

Union Attendance Records and the Union  
Activities and Working Hours Excuses: ..... 84

Sample Letter to Members of Amalgamated Local  
Unions Nominated for Unit position but not  
Eligible on the Basis of Local Union Attendance  
Records and the Union Activity and Working  
Hours Excuses:..... 86

## **TO: Officers and Members of All Local Unions of the United Steelworkers**

The attached Local Union Elections Manual has been approved and adopted by the International Executive Board of the United Steelworkers in accordance with its powers under the International Constitution and contains provisions designed to promote the free and democratic processes of our union and compliance with the requirements of the Labor-Management Reporting and Disclosure Act of 1959 [Landrum Griffin Act] and other pertinent legislation in the United States and Canada.

The Constitution of the United Steelworkers provides that all Local Union Officers and Grievance Committee Members shall be elected in April 2009 for a term of three (3) years.

The conduct of these elections is governed by the applicable provisions of the International Constitution and those Local Union By-Laws which have been approved by the International Union and are consistent with this Manual.

We are setting forth in this Manual the provisions of the International Constitution which control the election of Local Union Officers and Grievance Committee Members. This Manual also contains a section explaining and interpreting these provisions of the Constitution and setting forth appropriate procedures where the Constitution is silent.

Parts I, II, III and V of this Manual apply to all Local

Unions including Amalgamated Local Unions. Part IV contains supplementary provisions which are applicable to Amalgamated Local Unions only. Part II of the Appendix contains pertinent provisions of various Merger Agreements that have applicability to former URW, IWA and PACE Locals.

It is the policy of the International Union, as declared by the International Executive Board, that Local Union elections must be conducted in accordance with the provisions of the Constitution and the notes, interpretations, rules and procedures set forth in this Manual. Any Local Union By-Laws or rules inconsistent with the provisions of this Manual are hereby superseded and shall not be enforced, even if they have previously been approved by the International Union. Local Union By-Laws and rules that have been approved by the International Union and that are consistent with the provisions of this Manual shall continue to be applicable to the conduct of Local Union elections.

The rules and procedures stated in this Manual do not cover every last detail involved in Local Union elections. However, they do cover the main points fully and are based on the practical experiences of our Local Unions in the holding of Local Union elections. These rules and procedures, as well as those By-Laws and rules already approved by the International Union which are consistent with this Manual, give recognition to the varying needs of our Local Unions on account of differences in size of membership, work schedules, and workplace locations.

The primary objective in all cases is to assure our membership of the enforcement of their democratic rights by fair and impartial elections.

In the event any clause or provision of this Local Union Elections Manual is declared unlawful or unenforceable, by a United States or Canadian Court, such clause or provision shall, in the jurisdiction in which it is unlawful or unenforceable, be considered severable from all other clauses and provisions of this Local Union Elections Manual, subject to International Executive Board action.

In solidarity,

Leo W. Gerard  
International  
President

James D. English  
International  
Secretary-Treasurer

Thomas Conway  
International  
Vice President  
(Administration)

Leon Lynch  
International  
Vice President  
(Human Affairs)

Kenneth Neumann  
National Director of Canada

Approved and adopted by International Executive Board,  
United Steelworkers, December, 2008.

## **I. Provisions of International Constitution Governing Local Union Elections**

The following are the provisions of the International Constitution which relate to the various types of Local Union elections. These provisions are set forth in the order in which they appear in the International Constitution.

### **ARTICLE III—Eligibility**

Section 3. No person shall be eligible for membership, or for nomination or election or appointment to, or to hold any office, or position, or to serve on any Committee in the International Union or a Local Union or to serve as a delegate who is a consistent supporter of, or who actively participates in, the activities of any hate based-racist, terrorist, or other organization which advocates violence to affect government policy or to oppose the democratic principles to which the United States and Canada and our Union are dedicated.

This eligibility requirement shall be in addition to any other eligibility requirement imposed by any other Article or Section of this Constitution.

## **ARTICLE VI—Conventions**

Section 7. No member shall be eligible to be a delegate to an International Convention unless the member (a) is employed in an enterprise, public or private, or any other place within the jurisdiction of the Inter-national Union or is one of the staff representatives of the International Union. The International Officers and the members of the International Executive Board shall be ex officio delegates to all International Conventions; (b) shall have been in continuous good standing for a period of twenty-four (24) months immediately preceding the International Convention; or if the member's Local Union has been in existence for less than twenty-four (24) months prior to the International Convention, the member must have been in continuous good standing from the time that said member joined such Local Union; and (c) has attended at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately pre-ceeding the month in which the delegate election is to be held. Meetings which a member was prevented from attending because of such member's Union

activities, working hours, service in the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section 7(c); provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures to be specified in the Local Union Elections Manual.

Section 10. Delegates to the International Convention must be elected at an official meeting of a Local Union or by referendum ballot election, after the Call for the International Convention is received and has been read to the Local Union. The Recording Secretary shall issue a Notice, signed by the Recording Secretary and the Local Union President, at least one (1) week prior to such meeting or election, stating that delegates are to be elected on a certain day. Delegates must receive a plurality vote of the members voting.

Section 11. When any delegate's credentials are to be contested, notice of such contest shall be sent to the International Secretary-Treasurer not later than five (5) days prior to the date for

convening the International Convention. Any delegate whose credentials are contested may be unseated at any time during the International Convention.

## **ARTICLE VII—Local Unions**

Section 8. All Local Union Officers and Grievance Committee Members shall be elected for a term of three (3) years at the last meeting in April, 2009 (or during such other hours or day in April designated by the membership) by a plurality vote of the members participating in a referendum vote, and shall serve until their successors are elected and qualified, at which time all money, official records and documents, and all property belonging to the Local Union shall be turned over to such successors. The International Executive Board shall establish procedures which permit members who are prevented from appearing at the polls because of service in the armed forces or vacation to vote by absentee ballot.

An officer who retires from an enterprise serviced by the Local Union shall not be permitted to continue in office.

The date of Local Union elections for Local Union Officers and Grievance Committee Members must be advertised among members at least fifteen (15) days previous to the date of the election by mailing notice of the date, place and hours of the election to each member in good standing at the member's last known home address. The notice must also specify the Local Union offices to be filled. Nominations shall be made at the immediately preceding meeting. However, where a Local Union holds two meetings in each month, nominations may be made at the last meeting in the month preceding the month in which the election is held. Notice of the nominations meeting shall be given to the membership at least one (1) week in advance of the meeting.

The requirements regarding method of election and notices may be modified for Local Unions in Canada by the International Executive Board.

No member shall at the same time be a candidate for or hold more than one of the following offices: President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Guide, Guard, and Trustee.

A Local Union which has a membership of one hundred (100) or less may adopt a By Law provision providing only for the offices of President, Vice President, Recording Secretary, Financial Secretary and Treasurer, and the By-Laws shall provide how the duties of the offices of Guide, Guard and Trustee are to be allocated among these five (5) offices. In the alternative, a Local Union which has a membership of one hundred (100) or less may adopt a By-Law provision which, in addition to providing for the five (5) offices mentioned above, combines the office of Guide and/or Guard with the office of Trustee.

Section 9. No member shall be eligible for election as a Local Union Officer or Grievance Committee Member unless:

(a) The member shall have been in continuous good standing for a period of twenty-four (24) months immediately preceding the month in which the election is held, or if the member's Local Union has been in existence for a lesser period prior to the election, the member must have been in continuous good standing from the time that the member joined such Local Union; and

(b) The member is employed in an enterprise, public or private, or other place within the jurisdiction of the Local Union.

Section 10. In order to be eligible for election as a Local Union Officer or Grievance Committee Member in any regular election or election to fill a vacancy a member shall have attended at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately preceding the month in which the election is to be held.

Meetings which a member was prevented from attending because of such member's Union activities, working hours, service in the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section 10; provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures to be specified in the Local Union Elections Manual.

In the event none of the members nominated for a particular office is eligible, then both Section 9(a) and this Section 10 will be considered

waived automatically for that office and the election for that office will be conducted among those members nominated who meet the requirements of Section 9(b) of this Article.

## **ARTICLE VIII—Duties of Local Union Officers**

### **(Vacancy Provisions)**

Section 1. (Paragraph 2) In the event that a vacancy occurs in the office of Vice President, Recording Secretary, Financial Secretary, Treasurer, Guide, Guard or Trustee or in the position of Grievance Committee Member at any time during the term of office, the remaining Local Union Officers shall, by majority vote, select a successor to serve for the remainder of the term.

Section 2. Duties of Vice President. The Vice President shall assist the President in the discharge of the President's duties and during the President's absence shall perform the duties of the President. In the event that a vacancy occurs in the office of President, the Vice President shall act as President for the unexpired term.

## **ARTICLE XI—Membership**

Section 1. No applicant for membership shall be regarded as being a member in good standing until the full amount of the initiation fee has been paid.

Section 6. A member not in good standing shall not be permitted to vote, nominate for office, hold office, or be a candidate for office.

---

In addition to the foregoing provisions of the International Constitution, note shall also be taken of the special provision for electing Local Union Presidents as Convention delegates set forth in Article XIII, Section 3 of the Standard By-Laws for Local Unions and Amalgamated Local Unions, which provides:

“The Local Union may choose to have the Local Union President, if nominated at the official meeting, elected separately as a delegate by acclamation. In such event, the President shall be a delegate if approved by a majority of the members voting. Otherwise, the delegates to be selected from among the nominees must receive a of plurality vote the members voting.”

## **II. Explanation and Interpretation of Provisions of International Constitution and Requirements of Landrum-Griffin Act Governing Local Union Elections**

### **Basic Principles**

Local Union elections must be conducted in accordance with the foregoing provisions of the Constitution, and the notes, interpretations, rules and procedures set forth in this Manual. Any Local Union By-Laws or rules inconsistent with the provisions of this Manual are hereby superseded and shall not be enforced, even if they have previously been approved by the International Union. Local Union By-Laws and rules that have been approved by the International Union and that are consistent with the provisions of this Manual shall continue to be applicable to the conduct of Local Union elections.

Election of all Local Union Officers and Grievance Committee Members shall take place at the last Local Union meeting in April, or during such other hours or day in April designated by

the membership which will permit all members who so desire to vote.

The date of the election should be set sufficiently in advance so that the members can be informed of the date, hours and place of the election in the manner specified beginning on Page 17 under “Notices.”

Election shall be by plurality vote of the members in good standing participating in a secret ballot vote.

Only members in good standing are permitted to vote. Where the election is for a Department or Zone Grievance Committeeperson, only members in good standing in the Department or Zone may vote unless the practice in the Local has been for all of the Local members to vote. (Downturns in operations cause frequent movement of members from one Department or Zone to another and even from one Local to another. For the rules for determining a person’s Local, Department or Zone, see “Local Union Elections— The Effect of Layoffs and Shutdowns on Eligibility to Vote and be a Candidate” which is printed in the back of this Manual at page 75.)

A person who has been recently hired by the Company that the Local Union services and who has signed and delivered to the Company and the Local Union a dues check-off and membership application card is considered to have satisfied the dues payment requirement for membership even though the member's first dues payment has not yet been deducted by the Company.

In any case in which only one eligible member has been nominated for an office, and that member has indicated acceptance of the nomination within the time limits and in the manner prescribed by the approved By-Laws or rules of the Local Union, no election need be held for that office, and the member who has been so nominated shall be deemed elected.

In the event none of the members nominated for a particular office is eligible, then both Section 9(a) and Section 10 of Article VII of the International Constitution will be considered waived automatically for that office and the election for that office will be conducted among those members nominated who meet the requirements of Section 9(b) of Article VII of the International Constitution.

Elected Officers and Grievance Committee Members shall serve until their successors are elected and qualified.

No member shall at the same time be a candidate for or hold more than one of the following offices:

President		Recording Secretary
Vice President		Financial Secretary
		Treasurer
		<p>As an alternative to the 11 offices herein listed, Local Unions with a membership of one hundred (100) or less may adopt a By-Law provision providing only for the offices of President, Vice President, Recording Secretary, Financial Secretary and Treasurer, and the By-Laws shall provide how the duties of the offices of Guide, Guard and Trustee are to be allocated among these five (5) offices. In the alternative, a Local Union which has a membership of one hundred (100) or less may adopt a By-Law provision which, in addition to providing for the five (5) offices mentioned above, combines the office of Guide and/or Guard with the office of Trustee.</p>
Guide		
Guard		
Trustee		

A Grievance Committee Member is not considered a Local Union Officer although the Grievance Committee Member must be elected at the same time, in the same manner, and for the same term of office, as well as meet the same qualifications as a Local Union Officer. A member, therefore, may run for one of the above offices and for the position of Grievance Committee Member at the same time.

Note: While the International Constitution makes no provision for a Local Union Executive Board, a Local Union may establish an Executive Board so long as such Executive Board is provided for in its By-Laws. The members of such an Executive Board must be persons elected to office or position in the Local Union in accordance with the provisions of this Manual.

## **Notices**

**Nomination Meeting Notice.** Prior to the nomination meeting, reasonable and adequate notice must be given of the offices to be filled, of the time and place of the nomination meeting,

and of the fact that candidates shall be nominated from the floor at such meeting. As the Landrum-Griffin Act has been interpreted by the Secretary of Labor, the manner of giving this notice must be reasonably calculated to inform all members of the nomination meeting.

It is suggested that an announcement of the above information as to the nomination meeting be made at the meeting preceding the nomination meeting.

The actual notice must be given to the membership at least one (1) week prior to the nomination meeting by any one or more of the following methods as are reasonably calculated, under the particular circumstances in each Local Union, to inform all members:

- (a) Posting on the official Local Union bulletin board in the office or regular meeting place of the Local Union, and on bulletin boards throughout the workplace;
- (b) Prominent publication in the Local Union paper;
- (c) Prominent publication in the newspaper in the town in which the Local Union is located;
- (d) Mailing to the last known address of each

member; or

(e) Any other method which will meet the above requirements of the Act.

**Election Notice.** At least fifteen (15) days prior to the election, notice of the date, place and hours of Local Union elections must be mailed to each member in good standing to each member's last known home address. The notice must also specify the Local Union offices to be filled and advise that absentee ballots are available to any member whose work will require the member to be more than fifty (50) miles (eighty [80] kilometers) away from a designated polling place during the time of the election. Any member who is pre-vented from appearing at the polls because of service in the armed forces or vacation may cast an absentee ballot.

A postcard or other notice mailed to each member's home will satisfy this mailing requirement of the Landrum-Griffin Act. For a Local Union which has a Local Union paper, the mailing requirement may be met by incorporating the foregoing data in a prominent place in the paper and mailing a copy of the paper to each member's last known address at least fifteen (15)

days prior to the election. In addition, it is recommended that the notice be posted on the official Local Union bulletin board and on bulletin boards throughout the workplace.

The Recording Secretary, in conjunction with the Financial Secretary, shall be responsible for giving the nomination meeting and election notices.

Note: Where possible, the Local Union may decide to mail a combined nomination and election notice to each member to the member's last known address, advising the date, time, and place of the nomination meeting at which candidates shall be nominated from the floor, and the date, time, and place of the election. This combined notice must also list the offices for which nominations and the election are to be held. If this procedure is followed, the notice must be mailed in sufficient time that it should reach the membership at least one (1) week prior to the nomination meeting.

## **Nominations**

Nominations and elections must not take place at the same meeting.

Nominations shall take place from the floor at the meeting immediately preceding the date on which the Local Union election is to be held. However, the International Constitution provides that where a Local Union holds two meetings in each month, nominations may be made at the last meeting in the month preceding the months in which the election is held. Thus, if such a Local Union plans to hold its regular 2009 Local Union elections at its second meeting in April, it may hold its nomination meeting at its last meeting in March. It is suggested that, wherever possible, this option be utilized since it will afford the Election Tellers more time to perform their duties.

Only members in good standing may nominate for office. However, the ineligibility of a person to make a particular nomination must, in order to be effective, be raised in timely fashion at the nomination meeting. The names of members nominated for office or position by action of the membership shall be recorded in the Local Union Minute Book.

No member shall at the same time be a candidate for or hold more than one Local Union office. However, a member may be a candidate for and hold the position of Grievance Committee Member in addition to one of the enumerated Local Union offices.

Nominees must indicate their acceptance or rejection of their nomination within the time limits and in the manner prescribed by the approved By-Laws or rules of the Local Union.

## **Eligibility**

### **Article III, Section 3, Subversive Membership and Criminal Convictions**

Under Article III, Section 3 of the Constitution, no person shall be eligible for membership, or for nomination or election or appointment to, or to hold any office, or position, or to serve on any Committee in the International Union or a Local Union or to serve as a delegate who is a consistent supporter of, or who actively participates in, the activities of any hate based-racist, terrorist, or other organization which

advocates violence to affect government policy or to oppose the democratic principles to which the United States and Canada and our Union are dedicated. This eligibility requirement shall be in addition to any other eligibility requirement imposed by any other Article or Section of the Constitution.

In order to declare a member ineligible for Local Union office or position under this provision, it is necessary for charges to be processed against the member in accordance with Articles XII and XIII of the Constitution. If these charges are finally upheld, the member must be barred from membership as well as from Local Union office. Recent legislative developments suggest that it may be unlawful to enforce this provision of our Constitution in Canada and perhaps parts of the United States. If the legality of this provision is raised, your Local Union should contact the District Director who will seek legal advice.

Under the Landrum-Griffin Act, persons who have been convicted or imprisoned for certain specified crimes, are ineligible to hold a Local Union office or position for 13 years after such conviction or end of imprisonment whichever is

later unless the Trial Court Judge sets a lesser period of at least three years. Not only is it illegal for any such person to hold Local Union office or position, but it is illegal for a labor organization or its Officers knowingly to permit any such person to assume or hold any Local Union office or position. Any person who willfully violates these provisions is subject to a fine of \$ 10,000, or imprisonment for five years, or both.

The crimes specified in the Act are: 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 any felony involving abuse or misuse of a position or employment in a labor organization, or conspiracy to commit such crimes.

A person is deemed to have been "convicted" as of the date of the trial court judgment, regardless of whether the conviction is appealed. This restriction with respect to persons convicted of any of these crimes is inapplicable to persons whose citizenship rights, having been revoked as a result of the conviction, have been fully restored, or who have been determined by the Board of Parole after a hearing to be excused

from this restriction in the Act.

If a member is alleged to be ineligible under the preceding three (3) paragraphs, such member shall be apprised of such allegations by the Local Union Tellers. If the member disputes such allegations, it is necessary for charges to be processed against such member in accordance with Articles XII and XIII of the International Constitution in order to bar such member from Local Union office. If the allegations are not disputed by such member and the Local Union Tellers have knowledge that the member is disqualified under the Act, they shall declare such member ineligible to run for Local Union office or position.

### **Article VII, Section 9, Good Standing and Employment within the jurisdiction of the Local Union**

In order to be eligible for nomination, election or appointment to, or to hold any office or position in a Local Union, the person must be a member in good standing in the Local Union (and, in the case of a Department or Zone Grievance

Committeeperson, be a member in the Department or Zone in which he or she seeks to run). For further detail in determining a person's Local, Department or Zone, see "Local Union Elections—The Effect of Layoffs and Shutdowns on Eligibility to Vote and be a Candidate" which is printed at the back of this Manual at Page 75.

In addition to the requirements set forth in this and the preceding portion(s) of this Manual, a member must satisfy the following requirements of Article VII, Section 9 of the International Constitution to be eligible to run for Local Union office or Grievance Committee Member:

(a) The member shall have been in continuous good standing for twenty-four (24) months immediately preceding the month in which the election is held, or if the member's Local Union has been in existence for a lesser period prior to the election, the member must have been in continuous good standing from the time that the member joined such Local Union.

A member who has transferred from one Local Union to another Local Union within the twenty-four months prior to the election is permitted to count continuous good standing in the old Local Union for purposes of this

requirement. The member would thus satisfy this requirement by showing combined, continuous good standing in the former and present Local Union during the twenty-four (24) months immediately preceding the election.

(b) The member is employed in an enterprise, public or private, or other place within the jurisdiction of the Local Union.

## **Article VII, Section 10—Meeting Attendance**

The meeting attendance rules adopted by the 1978 International Convention are quoted at pages 7-11 of this Manual and are more fully described immediately below:

A member, to be eligible, must have attended at least one-third (1/3) of the regular meetings held by the Local Union during the twenty-four (24) month period immediately preceding the month in which the election is to be held, provided that meetings which a member was prevented from attending because of any of the following six specific reasons shall not be counted in determining that member's eligibility.

The six current excuses are as follows:

- (1) Union activities;
- (2) Working hours;
- (3) Service in the armed forces of the United States or Canada;
- (4) Sickness which confines;
- (5) Death in the immediate family; and
- (6) Jury duty.

Instead of being treated as though it was attended, the excused meeting will simply not be counted for purposes of determining the number of meetings the individual member is required to attend. In other words, meetings which the member is prevented from attending because of one of the six excuses will not be counted in determining the number of meetings the member must have attended in order to be eligible.

This approach must be carefully administered because all members will not be required to have attended the same number of meetings.

## **Administration of Excuse Provisions**

The meeting attendance rules make it clear that the burden of proving that a member was

prevented from attending a meeting because of one of the six pre-scribed excuses is the responsibility of the member claiming the excuse. The International Constitution also provides that the procedures for administering the excuse provisions are to be specified in this Manual.

The member may prove the excuse in various ways. The following are examples of the types of proof that a member might produce to establish the excuses. It should be understood, of course, that other forms of proof may be acceptable.

**Union activities and working hours**—a check of the Union's records and the employer's records should lead to a determination of how many meetings the member may have been prevented from attending because of Union activities or working hours. The USW has fought hard to obtain collective bargaining provisions that enable our members to upgrade their education and training and that make the Union an equal partner with the Company in the development of those programs. Accordingly, where a member is pre-vented from attending a Local Union meeting because of attendance at an education or training session held pursuant to a collective bargaining provision which

establishes an education or training program jointly administered by the USW and management, such attendance will be deemed excused under the “union activity provision.”

**Armed forces**—a note or letter from the member’s superior stating that the member was serving at the time of the meeting or at a time which would have pre-vented the member from reaching the meeting.

Article III, Section I of the International Constitution recognizes the Union’s jurisdiction as extending to any country in the Western Hemisphere. Consistent with the spirit of this language, service in the armed forces of any country where a USW bar-gaining unit is located should be recognized as an excuse from the meeting attendance rule in the Local in that country.

**Confining Sickness**—in a case where a member states that a sickness prevented attendance at a Local Union meeting, a letter from the treating doctor indicating that the member was unable to attend the meeting because of sickness. In the alternative, where company records show that the member did not work the day of the meeting because of a

sickness and where the member states that the sickness also prevented attendance at the Local Union meeting, the Election Committee should, absent convincing evidence to the contrary, accept the excuse. Because of the difficulty many months after the fact of verifying the validity of a claim that an individual missed a meeting because of “sickness which confines” the Local Union may adopt the following additional provision in its By-Laws:

“Any member who claims inability to attend a Local Union meeting because of a ‘sickness which confines’ must notify the Recording Secretary of the Local Union within one month of such meeting; otherwise such meeting will be counted as a meeting held in determining such member’s eligibility under this Section.”

**Death in the immediate family**—a statement from the member indicating the relationship to the deceased and the nature of the responsibilities associated with the death which prevented attendance at the meeting.

**Note:** “Immediate family” shall include the member’s parents, spouse, children, spouse’s parents and other relatives

whom the Local designates in its Local Union By-Laws.

**Jury duty**—a statement from the clerk of the court asserting that the member was serving on the jury at the time of the meeting or at a time that would have prevented the member from attending the meeting.

Should there be any doubt about the proof submitted by a member or should other questions or disputes arise, the Election Committee should cooperate with the member or parties involved in obtaining the facts and promptly resolving the issues. Of course, the Election Committee should treat all candidates fairly and equally and should not accept one type of proof of excuse from one candidate while rejecting such proof in similar circumstances from another.

As an aid to Local Unions, the following sample procedure is recommended:

1. Immediately following the nomination meeting the Election Committee should assemble and determine which nominees have not attended one-third (1/3) of the regular meetings actually held by the Local

Union during the period in question.

2. The Election Committee should immediately check the Union's records and the employer's records to determine how many meetings those who have not attended sufficient meetings may have been prevented from attending because of Union activities or working hours. (It is essential that this be done very quickly now because of the need to leave time for the remaining steps.)

3. Those nominees who are not eligible on the basis of attendance records and the Union Activities and working hours excuses should be sent a letter advising:

(a) The number of meetings actually held, the number of meetings the nominee is credited with having actually attended, and the number of meetings for which the nominee satisfied the Union activities and working hours excuses.

(b) As a result, the nominee has not attended a sufficient number of meetings.

(c) The Election Committee should be supplied with the dates and written proof of any meetings the nominee was

prevented from attending because of service in the armed forces, sickness which confines, death in the immediate family and jury duty.

**Note:** Two sample form letters that cover the foregoing points are enclosed at the end of this Manual. At pages 84 to 86.

In order to clarify the operation of these rules, we set forth a few examples, geared to the April 2009 Local Union elections.

**Example #1**—Your Local Union holds twenty-four (24) regular meetings in the period between April 1, 2007 and March 31, 2009. In order to be eligible for office a member must have attended at least eight of these twenty-four meetings unless the number of meetings the member is required to attend is reduced because of the operation of one of the excuses described previously.

**Example #2**—Your Local Union holds twenty-four (24) regular meetings in the period between April 1, 2007 and March 31, 2009. The nominee was working during one of the Local Union meetings. This one (1) excused meeting will not be considered as a meeting held for this nominee. Thus, this nominee's eligibility will be

based on twenty-three (23) meetings. One-third of twenty-three is seven and two-thirds ( $7 \frac{2}{3}$ ), but since we round all fractions to the next highest number, the nominee in this example will be required to have attended eight of the meetings to be eligible to run for office.

**Example #3**—Your Local Union holds twenty-four (24) regular meetings in the period between April 1, 2007 and March 31, 2009. The nominee was prevented from attending five of the twenty-four meetings because of being hospitalized. If the nominee supplies the Election Committee with proof of hospitalization during the five meeting days, the nominee's eligibility will be determined on the basis of the remaining nineteen (19) meetings. Accordingly, the nominee would be required to have attended seven meetings (one-third of 19 rounded to the next highest number) in order to be eligible to run for office.

**Example #4**—Your Local Union holds twenty-four (24) regular meetings in the period between April 1, 2007 and March 31, 2009. The nominee served on jury duty on three days on which meetings were held. However, jury service did not require the nominee's presence on the

evenings on which the meetings were held. Since jury duty did not prevent attendance at any meetings, the nominee would be required to have attended eight of the twenty-four meetings in order to be eligible to run for office.

**Example #5**—Your Local Union would normally hold twenty-four (24) regular meetings in the period between April 1, 2007 and March 31, 2009 but cancelled the December meeting in 2007 and 2008 because of the Christmas holidays. The member was hospitalized during the January 2008 meeting. Since only twenty-two (22) meetings were held and the member was excused from attendance at one of the other meetings, the member would be required to have attended seven of the remaining meetings (one-third of 21) in order to be eligible to run for office.

The eligibility of each candidate for election under Article VII, Section 10, shall be determined by the Local Union Tellers who constitute the Election Committee, with the assistance of those Officers or committee members who have the necessary records and information.

There are two additional factors used in determining whether or not a meeting attendance rule is being properly applied. First, the time and

place of the meetings involved must not occasion great inconvenience to a substantial number of members of the Local Union. Second, the Local Union must maintain adequate attendance records. These are therefore preconditions to imposing the meeting attendance rule.

### **Election Committee (Tellers)**

The Election Committee (Tellers) may be appointed by the President or the Executive Board of the Local Union (subject to approval and change by the membership), or it may be elected by the membership.

The Election Committee shall have at least three (3) members.

The Election Committee shall be selected following the completion of nominations and during the same meeting. The names of Election Committee Members shall be recorded in the Local Union minutes.

No Officer, no candidate, or acclaimed candidate for Local Union office or Grievance Committee Member shall serve as a member of the Election Committee.

A separate Election Committee shall be selected for each election and serve for that particular election only. Thus, the members of an Election Committee selected by the Local Union to conduct the April, 2009 regular Local Union election may not automatically serve as the Election Committee if a vacancy election is held a few months later. The Election Committee for such a vacancy election must be selected by the membership at the meeting preceding the vacancy election when nominations for the vacancy are made.

Each Election Committee shall select a Chairperson in the event that the Local Union President has not designated a Chairperson of the committee.

Local Unions are encouraged to select as members of the Election Committee persons who will be diligent in the performance of their duties and who, to the greatest extent possible, are acceptable to all candidates.

## **Duties of Election Committee (Tellers)**

1. The Recording Secretary shall provide the Election Committee with the list of nominees as recorded in the Local Union minutes.

2. The Election Committee shall check to see that acceptances or rejections of nominations by the nominees are obtained in accordance with the By-Laws of the Local Union and within the stated time limit.

3. Eligibility of nominees shall be verified through the records of the Financial Secretary insofar as continuous good standing as well as workplace employment are concerned. Meeting attendance shall be checked with attendance records maintained by the Local Union and, if necessary, with employer's work records.

4. Ineligible nominees shall be notified in writing of the reason for their failure to meet eligibility requirements.

5. The decision of the Election Committee on eligibility questions shall remain in force unless

overruled by the membership at the regular meeting when duly-filed protests shall be heard.

6. As soon as possible following the nomination meeting, a list of eligible candidates, date, polling place or places, and hours of election shall be posted at suitable spots or suitably advertised among the membership. (This shall be in addition to the requirements set forth under the previous "Notices" section.)

7. The Election Committee shall then have ballots prepared properly and in readiness for the day of election. The Election Committee shall also provide absentee ballots to members who are entitled to them pursuant to the Absentee Ballot procedure that is out-lined beginning at page 44 of this Manual.

8. The Election Committee shall supervise the voting and maintain strict order at the polling place or places and shall instruct each voter on the proper method for casting a secret ballot vote as set forth at pages 51 to 53 of this Manual.

9. The necessary Financial Secretary's records shall be available at each polling place to enable checking the good standing of members voting. A person who has been recently hired by the Company that the Local Union services and

who has signed and delivered to the Company and the Local Union a dues check-off and membership application card is considered to have satisfied the dues payment requirement for membership even though the member's first dues payment has not yet been deducted by the Company. A list of those voting shall be recorded and become part of the Local Union records.

10. The Election Committee shall assist voters only when personally requested by the voter.

11. The Local Union shall designate the place where the tabulation of the votes shall take place and the Election Committee shall be responsible for having all ballots arrive at such designated place, immediately tabulating the votes cast for the respective offices, and making suitable records thereof.

Where it is impossible to determine from the ballot the voter's choice for a particular position (for example, where check marks appear in the boxes of two persons running for the same position), the Tellers should invalidate only that portion of the ballot where the choice cannot be determined. That portion of the ballot where the voter's choice is clear should be counted.

A “Sticker” or “Write-in” candidate is not permitted and shall not be considered.

No absentee ballots shall be permitted in Local Union elections except under the limited conditions and procedure set forth in the Absentee Ballots section beginning at page 44 of this Manual. No votes by proxy shall be permitted.

12. The Election Committee shall seal the ballots at the conclusion of the tabulating procedure and shall store such sealed ballots in a safe place designated by the membership for safekeeping.

13. The results of the election shall be posted promptly by the Election Committee at the Local Union headquarters and any other place designated by the By-Laws or the membership.

14. The Chairperson of the Election Committee shall submit the committee report to, and for acceptance by, the membership at the next regular meeting following the election.

15. The list of new Officers on the form provided by the International Headquarters must be signed by the Election Committee, the retiring President and retiring Recording Secretary, and

mailed by the retiring Recording Secretary to their District Director.

16. The Election Committee should pay special attention to the Secret Ballot section beginning on page 51 of this Manual.

## **Ballots and Election Records**

The Election Committee shall see that ballots are prepared and available by the date of the election. Names of candidates for each office or position shall be placed on the ballot either in the order in which nominated or in the order resulting from a drawing.

Ballots may be numbered but the number must be removed before the ballot is dropped in the ballot box and the number of the ballot shall not be recorded next to the name of the voter receiving said ballot.

The Election Committee shall seal the ballots upon completion of the tabulation and turn over such sealed ballots and all other records pertaining to the election in its possession to the Recording Secretary at the conclusion of the committee's report to the Local Union.

Pursuant to Section 401(e) of the Landrum-

Griffin Act, the sealed ballots and all other records pertaining to the election shall be retained by the Recording Secretary and Financial Secretary for at least one (1) year.

## **Absentee Ballots**

As a general rule, absentee ballots are not permitted in Local Union elections or International Union elections. There are however, three exceptions. Any member whose work will require the member to be more than fifty (50) miles (eighty [80] kilometers) away from a designated polling place during the time of the election and any member who is prevented from appearing at the polls because of service in the armed forces or vacation may cast an absentee ballot.

The most common situations involve individuals who, because of work, are unable to reach a polling place on the day of the election. This has especially been a problem with respect to over-the-road truck drivers and employees who are sent long distances to perform demonstration, installation or repair work at other locations.

Accordingly, the following absentee ballot procedure has been developed for those situations. Henceforth, employees whose work (including official Union business) will require them to be more than 50 miles (80 kilometers) away from a designated polling place during the time of the election may cast absentee ballots if they meet the requirements specified in the next paragraph. (Of course, if there are two or more polling places where a particular member may vote and that member's work does not require that such member be more than 50 miles (80 kilometers) from one of them, that member is not entitled to vote by absentee ballot.) Since the arrangements involved in setting up an absentee ballot procedure are some-what complicated, Local Unions are encouraged to avoid the necessity of having to use such absentee ballot procedure wherever possible by setting up additional polling places and extending the hours of polling wherever practical.

In the event that a member claims that work will require the member to be more than 50 miles (80 kilo-meters) away from a designated polling place during the time of the election, or where the member claims that vacation or service in the

armed forces, including reserve duty and service in the National Guard, will prevent that member from appearing at the polls, such member may request an absentee ballot. The request for such absentee ballot must be made in writing to the Chairperson of the Election Committee, must indicate with specificity the work assignment that will require such member to be more than 50 miles (80 kilometers) from a designated polling place, the vacation or the military service that will prevent the member from appearing at the polls, and must be received by the Chairperson of the Election Committee seven (7) or more days in advance of the date of the Local Union election. (The name and address of the Chairperson of the Election Committee should be posted on bulletin boards throughout the workplace immediately after the nomination meeting or included in the mailed notice of the election if the Chairperson's identity is known when the mailing is made.) Requests for absentee ballots which are received six (6) or fewer days in advance of the election should not be honored. Upon receipt of a timely request for an absentee ballot, the Chairperson of the Election Committee shall determine the factual validity of such request. In the event that

such member is entitled to an absentee ballot, the Election Committee shall immediately mail such member an absentee ballot by registered or certified mail. In addition to the absentee ballot, the Election Committee shall enclose two return envelopes of different sizes. The larger envelope should be addressed to the Chairperson of the Election Committee and should contain a space in the upper left-hand corner for the member's signature and identifying information such as a badge number. The smaller envelope should be labeled simply "Absentee Ballot." The Election Committee should advise the member involved to mark the ballot and place it in the smaller envelope, seal the smaller envelope and place it in the larger envelope and mail it to the Chairperson of the Election Committee. In order to be counted, an absentee ballot must be received by the Election Committee prior to the close of the polls. The Election Committee should also take such precautions as are necessary to insure that the member voting an absentee ballot does not also vote at the polling place.

At the close of the voting, the Election Committee should check the larger envelope to verify the identifying information, determine

whether the individual whose signature appears on the envelope is entitled to vote and determine that the member has not also voted at the polling place. The committee shall then open the outer envelope and place the sealed and unopened envelope marked "Absentee Ballot" in the ballot box for counting.

Observers who request it are entitled to be present when the Election Committee prepares and mails the absentee ballot materials to the member and are also entitled to be present when the returned absentee ballot is checked for verification, placed in the ballot box and later counted.

## **Polling Places**

The Election Committee shall be responsible for the fair and impartial conduct of the election, and the strict enforcement of election rules at the polling place.

The election should take place at such polling place or places and during hours and under such conditions that enable all members to vote by secret ballot. In order to accomplish this, it may be necessary to arrange for multiple polling

locations so that no member must have to travel more than 50 miles (80 kilometers) from their normal place of work to get to a polling place.

No candidate for office shall be allowed at the polling place at any time except for the purpose of casting a vote.

Any candidate shall have the right, at the candidate's own expense, to have an observer or observers at the polls and at the counting of the ballots. The number of observers allowed each candidate shall be a number sufficient to observe each phase of the polling and counting procedure. Any observer must be a member in good standing of the Local Union.

**(Note:** Members designated by candidates to act as observers shall identify themselves and report to the Tellers in sufficient time prior to the election to enable the Tellers to check their identity and membership status.

The Tellers shall afford observers a reasonable opportunity to observe the conduct of the election on election day, including observation of: the ballot box before voting commences, the opening of the ballots, the opening of the polls, the voting at the polling

places, the check made by the Tellers against the Local Union membership list of the eligibility of members desiring to vote, the handling of members whose eligibility to vote is challenged, the ballots and tally sheets during the tabulation conducted by the Tellers, and the sealing of the ballot boxes by the Tellers.

Observers shall not interfere with the Tellers' performance of their duties, and shall not interfere with or seek to influence voters, or electioneer in any way.

Observers are not to wear campaign buttons, stickers, or other campaign apparel; distribute literature; or engage in any campaign activities inside a polling area. Observers must however wear appropriate identification identifying them as an observer when in the polling or ballot counting areas.

Any comments the observers may have regarding the conduct of the election or tabulation shall be made directly to the Tellers.)

No one shall be permitted to loiter at the polls.

## **Mail Ballots and Voting Machines**

The International Union permits Local Unions which demonstrate special circumstances to conduct their balloting by mail. The International also permits Local Unions which so desire to use voting machines rather than using paper ballots or tabulating by hand. To obtain permission to utilize either mail balloting or voting machines, the Local shall write the International Secretary-Treasurer specifying the reason(s) for the request and the procedures to be utilized.

## **Secret Ballot**

All Local Unions must conduct their elections of Local Union Officers and Grievance Committee Members by secret ballot.

Some Court cases have held that the law's requirement of a "secret ballot" election requires the Union to furnish clearly defined voting areas which are set up to assure privacy. Accordingly, each Local Union shall provide such designated voting areas. This can be accomplished in numerous ways, but it is sufficient that cardboard

dividers be arranged on a table (such as empty cardboard boxes taped to the table with the open side facing the voter) in such a manner that no one can see how any member at the table is voting.

Court cases have also held that it is not sufficient merely to provide physical arrangements (for example, cardboard dividers) that enable members to cast their ballots in secret; it is also necessary, according to such cases, to take all reasonable steps to ensure that: (1) the cardboard dividers or other physical arrangements providing secrecy are actually used by all voters; and (2) the number of voters admitted to the balloting area at any time does not exceed the number of voting places provided.

Accordingly, to ensure that the Local elections are not subject to court challenge, the Election Committee shall take the following additional steps: (1) Notices stating "THE LOCAL UNION HAS PROVIDED PHYSICAL ARRANGEMENTS TO ENABLE YOU TO CAST A SECRET BALLOT; YOU MUST USE THEM" shall be prominently displayed on the walls surrounding the voting area and/or at the table(s) where the members obtain their ballots; (2)

Politely instruct any members who are observed not using the cardboard dividers or other physical arrangements designed for the casting of ballots in secret (for example, if members are observed sitting on tables and/or standing against a wall preparing to cast their ballots) that they are required to use the cardboard dividers or other physical arrangements; and (3) Control the flow of voters into the balloting area so that at no time does the number of voters exceed the number of available voting places.

## **Reports, Protests and Appeals**

The Election Committee shall submit a report of its activities, decisions, and election results to the membership at the next regular meeting following the election.

All protests of nominees who have been declared ineligible by the Election Committee, of defeated candidates, and of other members of the Local Union, must be filed in writing with the Local Union prior to or at the membership meeting at which the report of the Election Committee is read.

At this same meeting, the Local Union

membership shall consider and act upon the Election Committee report and the protests.

Immediately following the meeting the Recording Secretary shall send a copy of any protest together with a description of the action of the Local Union on the protest to the International Secretary-Treasurer.

The decision of the membership regarding a protest may be appealed by interested members of the Local Union within ten (10) days of Local Union action to the International Secretary-Treasurer for consideration by the International Executive Board.

The International Executive Board may affirm, set aside or modify the action of the Local Union.

The Local Union action shall remain in effect unless stayed, set aside or modified by action of the International Executive Board.

The action of the International Executive Board may be appealed to the International Convention if such person files the appeal with the International Secretary-Treasurer within thirty (30) days after notice of the decision of the International Executive Board from which the appeal is taken.

Unless it stays execution of its decision, the action of the International Executive Board shall remain in effect until set aside or modified by the International Convention.

In the event that the election for any Local Union office or position of Grievance Committee Member is invalidated as a result of an election protest, the office or position shall be filled by the pre-election incumbent until a new election is held and a successor is elected and qualified. The new election shall be held promptly in accordance with the procedures outlined in this Manual.

## **Installation of New Officers**

Officers shall be installed and the oath of office administered at the first regular meeting in May, 2009 for the April, 2009 election. At that time all money, official records and documents, and all property belonging to the Local Union shall be turned over to the new Officers.

The oath of office, is as follows:

I, \_\_\_\_\_ do hereby sincerely pledge my honor to perform the duties

of my office as prescribed by the Laws of the organization, and to bear true allegiance to the United Steelworkers. I will deliver to my successor in office all books and other property of this Union that may be in my possession at the close of my official term. All of this I solemnly promise with full knowledge that to violate this pledge is to stamp me as a person devoid of principle and destitute of honor.

## **Vacancies**

Vacancies in Local Union offices or positions of Grievance Committee Member may occur by death, by termination of employee relationship, by loss of good standing, by suspension, by expulsion, or by resignation. Article VIII, Sections 1 and 2 of the International Constitution sets forth the rules for filling such vacancies.

(a) In the event that a permanent vacancy occurs in the office of President, the Vice President shall act for the unexpired term.

(b) In the event that a vacancy occurs in the office of Vice President, Recording Secretary, Financial Secretary, Treasurer, Guide, Guard or Trustee or in the position of Grievance

Committee Member at any time during the term of office, the remaining Local Union Officers shall, by majority vote, select a successor to serve for the remainder of the term. This provision of the Constitution has been interpreted to permit the remaining Local Union Officers to decide to fill a vacancy by election. When this option is used, the President shall appoint a member of the Local Union to fill the vacancy until a successor has been elected. The President shall call for a special election as promptly as possible but such election shall not be held, later than two (2) months following the occurrence of the vacancy. The date of the special election shall be advertised among the members at least one (1) week prior to that date. Nominations shall be made at the immediately preceding meeting, the date of which shall also be advertised in advance among the members at least one (1) week prior to that date. The advertising shall be by any one or more of the methods specified under the previous "Notices" section as may be reasonable to inform the members.

(c)(1) Whenever a Local Union Officer or Grievance Committee Member, because of

receipt of an extended vacation benefit or otherwise, will be unable to serve during an extended temporary period, a temporary replacement will be designated in accordance with the following procedures, and the temporary replacement shall carry out all the duties of the office or post during such temporary period.

(c)(2) Where the temporary vacancy is in the office of Local Union President, the Vice President shall assume the duties of the President including the authority to be one of the signatories to checks, and shall be known as "Temporary Acting President." When the temporary period has ended, the "Temporary Acting President" shall revert to the position of Vice President.

(c)(3) Where the temporary vacancy is in another Local Union Office or in a Grievance Committee post the Local Union Officers shall, by majority vote, select a "Temporary Acting" replacement. Temporary Acting Treasurers and Financial Secretaries shall be authorized, during the temporary period of their service, to be signatories to checks. A replacement shall serve only until the temporary period is ended. See

page 55 for vacancies resulting from election protests.

## **Other Important Requirements**

Local Unions must comply with all reasonable requests of any candidate to distribute, by mail or otherwise, at the candidate's own expense, campaign literature in aid of such person's candidacy to all members in good standing.

Local Unions must not discriminate in favor of or against any candidate with respect to the use of lists of members. Strict adherence to the International Union policy against the copying or dissemination of such lists, and against the distribution, at the Local Union's expense, of campaign literature on behalf of any candidate or of the Local Union itself will assure compliance with this requirement of the Act.

Every bona fide candidate shall have the right, once within thirty (30) days prior to the election, to inspect (but not to copy) a list containing the names and last known addresses of all members of the Local Union who are subject to a collective bargaining agreement requiring membership in the Union as a condition

of employment. This list shall be maintained and kept at the principal office of the Local Union by the Financial Secretary.

Every member in good standing shall have the right to vote for or otherwise support the candidate of that member's choice without being subject to penalty, discipline, or improper interference or reprisal of any kind.

No moneys of any Local Union and no moneys of an employer shall be contributed or applied to pro-mote the candidacy of any person. Moneys of the Local Union may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

It is a crime, under Section 610 of the Landrum-Griffin Act, for any person to use or threaten force or violence for the purpose of interfering with or pre-venting the exercise by any member of a labor organization of any rights (including rights relating to election of officers) protected under the Act. Any person, who willfully violates this Section, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

### **III. International Convention Delegates**

The rules for election of Local Union delegates to an International Convention are set forth in Article III, Section 3 and Article VI, Sections 2, 7 and 10 of the International Constitution.

Article III, Section 3 bars a member, consistent supporter or active participant in the activities of a subversive organization from serving as a delegate.

Article VI, Section 2 provides:

“Each Local Union shall be entitled to the number of delegates to the International Convention as follows:

1-200 members      1 delegate

201-350 members   2 delegates

351-700 members   3 delegates

701 and over      3 plus 1 additional  
delegate for each  
additional 500  
members or majority  
fraction thereof

Each delegate to the International Convention shall have one (1) vote for the first 100 members or less in the Local Union which the delegate represents and one (1) additional vote for each additional 100 members or majority fraction thereof, but no delegate shall have more than ten (10) votes.

Amalgamated Local Unions may elect delegates through the alternative method below:

Amalgamated Locals may elect delegates by Unit. Each Unit with two hundred (200) members or more may elect their own delegate to the International Convention and those with less than two hundred (200), may be grouped together to reach the minimum of two hundred (200) members and vote as a miscellaneous group.

If election of delegates by Unit is selected, each Unit of two hundred (200) members or more shall be allowed election of their own delegate and all others shall be combined to allow the maximum number of delegates. It shall be the responsibility of the Local Union to notify the International Secretary-Treasurer of its intent to select delegates by the amalgamated options method, stipulating the designated Units and any and all combining of Units.

In no event shall the total number of delegates elected using the alternative method allow more than one and one-half times the delegates allowed under the standard method.”

Article VI, Section 7 provides:

“No member shall be eligible to be a delegate to an International Convention unless the member (a) is employed in an enterprise, public or private, or any other place within the jurisdiction of the International Union or is one of the staff representatives of the International Union. The International Officers and the members of the International Executive Board shall be ex officio delegates to all International Conventions; (b) shall have been in continuous good standing for a period of twenty-four (24) months immediately preceding the International Convention; or if the member’s Local Union has been in existence for less than twenty-four (24) months prior to the International Convention, the member must have been in continuous good standing from the time that said member joined such Local Union; and (c) has attended

at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately preceding the month in which the delegate election is to be held. Meetings which a member was prevented from attending because of such member's Union activities, working hours, service in the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section 7(c); provided, that the member shall have the burden of proving inability to attend for one of the pre-scribed reasons, in accordance with procedures to be specified in the Local Union Elections Manual."

The interpretations of the provisions which are set out beginning on page 22 under the "Eligibility" section are also applicable to election of Convention delegates.

Article VI, Section 10 provides:

"Delegates to the International Convention must be elected at an official meeting of a Local Union or by referendum ballot election,

after the Call for the International Convention is received and has been read to the Local Union. The Recording Secretary shall issue a Notice, signed by the Recording Secretary and the Local Union President, at least one (1) week prior to such meeting or election, stating that delegates are to be elected on a certain day. Delegates must receive a plurality vote of the members voting.”

In addition to the foregoing provisions of the International Constitution, note shall also be taken of Article XIII, Section 3 of the standard By-Laws for Local Unions and Amalgamated Local Unions, which provides:

“The Local Union may choose to have the Local Union President, if nominated at the official meeting, elected separately as a delegate by acclamation. In such event, the President shall be a delegate if approved by a majority of the members voting. Otherwise, the delegates to be selected from among the nominees must receive a plurality vote of the members voting.”

## **IV. Supplementary Provisions for Amalgamated Local Unions**

Amalgamated Local Unions should follow closely the provisions of all parts of this Manual. However, the provisions in this Part IV supplement the other parts of the Manual by providing special rules which are applicable to Amalgamated Local Unions.

An “Amalgamated Local Union” is a Local Union whose members are employed by the same or different employers in more than one bargaining unit within a single District of the International Union or, with the approval of the International Executive Board, in more than one District. Each such bargaining Unit is hereinafter referred to as a “Unit”.

### **Unit Positions**

As set forth in the By-Laws For Amalgamated Local Unions, Unit positions are Unit President, Unit Secretary and Unit Griever. These Unit officials must be elected in the same manner, for the same term of office and at elections conducted within the same time frame as Local

Union Officers.

Under the By-Laws there is no longer a position of Local Union Grievance Committee Member; rather there are Unit Griever(s) in each Unit.

There is no prohibition against a member holding more than one or all of the identified Unit positions. A member may hold one or more of the Unit positions in conjunction with one of the offices of the Local Union.

Election of Unit officials shall be by plurality vote of the members, in their respective Units, who are in good standing, participating in a secret ballot vote.

Where circumstances warrant it, the International Executive Board, pursuant to Article VII, Section 5 of the International Constitution, may vary the Officer structure for individual Amalgamated Local Unions.

## **Notices and Nominations**

The time for the holding of the nominations for Local Union office are discussed at pages 17-22 of this Manual. Nominations for each Unit's positions shall be made at that Unit's meeting

immediately preceding the date on which the Local Union and Unit election is to be held unless some other date, time and place is selected by the Local Union Officers in consultation with the Unit officials.

Each Amalgamated Local Union must be sure all its members are notified of the date, time and place of the nominations for Local Union office and the nominations for positions in their Unit. Where workplace postings are used, care must be taken to make sure that no Unit is overlooked.

## **Eligibility**

To be eligible to run for Local Union office the member must, in addition to the other eligibility requirements set forth at pages 23-28 of this Manual, have been in continuous good standing for twenty-four (24) months immediately preceding the election, or if the member's Local Union or Unit has been in existence for a lesser period prior to the election, the member must have been in continuous good standing from the time that the member joined such Local Union.

If the member's Local Union or Unit has been transferred to another Local Union within the

twenty-four (24) months prior to the election, the member is permitted to count continuous good standing in the old Local Union or Unit for purposes of this requirement. The member would thus satisfy this requirement by showing combined, continuous good standing in the former and present Local Unions or Units during the twenty-four (24) months immediately preceding the election.

To be eligible for Unit position a member must satisfy the following requirements:

(a) The member shall have been in continuous good standing for a period of 24 months immediately pre-ceding the month in which the election is held (if the member's Unit has been in existence or affiliated with the Local Union for a lesser period prior to the election, the member must have been in continuous good standing from the time the member became a member within such Unit); and

(b) The member is employed in a workplace within the jurisdiction of the Local Union; and

(c) The member must satisfy the Local Union meeting attendance requirements of Article VII, Section 10 of the International Constitution or, if unable to satisfy such Local Union meeting

attendance requirements, must satisfy the Unit meeting attendance requirements by having attended at least one-third (1/3) of the regular meetings held by the member's Unit during the twenty-four (24) month period immediately preceding the month in which the election is held. If the Unit does not hold meetings there is no meeting attendance requirement for Unit positions. The excuse provisions described on pages 28 to 37 of this Manual are, of course, applicable to Amalgamated Local Unions as well.

## **Election Committee**

### **(Tellers)**

If, pursuant to its By-Laws or Local Union action, an Amalgamated Local Union is to have area polling places located at two or more geographic locations, and where one set of Tellers cannot personally conduct the voting at all such area polling places, such Amalgamated Local Union shall elect a minimum of three Local Union Tellers for each geographic location requiring a separate set of Tellers. In such a case, a member shall be eligible to serve as an

Election Teller at a geographic polling place only if the Election Teller is eligible to vote at that geographic polling place.

If, pursuant to its By-Laws or Local Union action, an Amalgamated Local Union is to have polling places at each of the Units affiliated with the Amalgamated Local Union, and where one set of Tellers cannot personally conduct the voting at all such polling places, such Amalgamated Local Union shall elect a minimum of three Local Union Tellers for each such Unit requiring a separate set of Tellers, each such group of Tellers to be elected from among the membership eligible to vote in the units in which such group of Local Union Tellers will serve.

No Officer, no candidate, or acclaimed candidate for Local Union office or Unit position shall serve as a member of the Election Committee.

## **Installation of Unit Officials**

Unit officials shall be installed at the same time and in the same manner as Local Union Officers.

## **Vacancies**

In the event that a vacancy other than a temporary vacancy occurs at any time in a Unit position, the remaining Unit official(s) of that Unit (not including Unit Griever(s)), together with the Local Union Officers, shall by majority vote select a successor to serve the remainder of the term; provided, however, that the member so selected shall be from among the members within the Unit in which the vacancy occurs.

Where a temporary vacancy occurs in a Unit position, a "Temporary Acting" replacement shall be selected by majority vote of the Unit President and Unit Secretary together with the Local Union Officers.

## **Other Important Requirements**

Local Unions must comply with all reasonable requests of any candidate to distribute, by mail or otherwise, at the candidate's own expense, campaign literature in aid of such person's candidacy to all Unit members in good standing with regard to candidates for Unit position.

Every bona fide candidate for Unit office shall have the right, once within thirty (30) days prior to the election, to inspect (but not to copy) a list containing the names and last known addresses of all members of the Unit who are subject to a collective bargaining agreement requiring membership in the Union as a condition of employment. These lists shall be maintained and kept at the principle office of the Local Union by the Financial Secretary.

## **International Convention Delegates**

If a Unit has been in existence for less than twenty-four (24) months prior to the International Convention, a member in such Unit must have been in continuous good standing from the time that the member joined the Amalgamated Local Union in order to be eligible to be a delegate under Article VI, Section 7(b) of the International Constitution.

## **V. Conclusion**

Our Union is dedicated to perpetuation of the cherished traditions of our democracy and to guaranteeing to all members in good standing the fundamental democratic right to vote in open and free elections. Scrupulous conformance to the foregoing rules and procedures for Local Union elections will assure the fulfillment of these principles and the conduct of fair and impartial elections.

## **APPENDIX**

### **I. Local Union Elections—The effect of layoffs and shutdowns on eligibility to vote and be a candidate.**

The heavy layoffs and partial or complete shut-downs of facilities have spawned numerous questions regarding eligibility of various members to vote and run for office in Local Union Elections. The following rules are to be utilized in dealing with such questions.

#### **A. Layoffs**

Under Article XI, Section 5, a member who retains employee status in a bargaining unit and who is laid off and does not perform at least five (5) days' work in the bargaining unit in any month is excused from the payment of dues. Such member continues to be considered a member of the Union in good standing until the layoff has lasted for twenty-four (24) continuous months at which point the member becomes a member not

in good standing. Good standing is automatically restored when the member is recalled and resumes payment of dues.

Thus, members on layoff for up to twenty-four (24) continuous months are entitled to vote and run for office, provided two conditions are met:

First, the individual's Local Union continues to exist – that is, the Local's charter has not be cancelled (in the case of Amalgamated Local Unions, the individual's Unit has not been cancelled); and

Second, the individual continues to have seniority rights which are recognized by the company or which are asserted by the Union. Such rights include the right to continue to accumulate seniority for purposes of creeping or growing into a pension or the right to be recalled to work by the employer in the event the workplace is reopened (regardless of how remote that possibility may be).

Employees who have severed their bargaining unit status, such as through the acceptance of a pension or in many cases severance pay, cease being members of the Union whether or not their workplace has shutdown.

A member on layoff holds membership in the Local where he or she was a member at the time of layoff.

## **B. Permanent Transfers**

Some employees, rather than being laid off or continuing on layoff, obtain permanent transfers to other Departments in other grievance zones or in other areas covered by other Local Unions. Once such individuals are permanently transferred over to the new jobs, they become members of the grievance zone or the Local Union which has jurisdiction over the new job. These members may be able to meet the twenty-four (24) months continuous good standing requirement to be eligible to run for office in their new grievance zone or Local Union since a member who has transferred from one area to another within the twenty-four (24) months prior to the election is permitted to count continuous good standing in the old area for purposes of this requirement.

Some of our master agreements contain provisions enabling employees laid off at one workplace to obtain permanent transfers to other

workplaces. When an employee obtains a permanent transfer of this kind, the employee will be considered a member of the Local which has jurisdiction over the new workplace. If the employee is subsequently laid off from the new workplace, the employee will be considered on layoff from the new workplace, not from the old.

### **C. Temporary Transfers**

Many of our members who would otherwise have been laid off have been temporarily assigned to jobs in grievance zones other than their home grievance zones or even to jobs within the jurisdiction of Local Unions other than their own Local Union. (This latter situation is particularly the case at some basic steel operations where more than one Local services the membership at a particular workplace.) The long duration of these temporary assignments and the frequency with which these employees are moved from one temporary assignment to another have created numerous questions as to the correct grievance zone or Local of these individuals for membership purposes.

The rules below are designed to resolve these questions on a uniform basis for all Local Unions. In the rules below we indicate in which grievance zone and Local the individual holds membership. Since a person can only hold membership in one Local and can only run for office in one Local, the consequences of the rules below are that the individual is not considered a member in any Zone or Local other than the one described in the rules.

### **Temporary Transfer—Retention of Membership in Home Zone or Local**

A member who on March 1, 2009 or, for a vacancy election, at the beginning of the month in which nominations are held, is holding a temporary position in a grievance zone or within the jurisdiction of a Local Union, other than the grievance zone or Local Union in which the member holds recall rights, shall be eligible to vote and be a candidate in the grievance zone or Local Union in which the member has recall rights if two conditions are met:

**First**, the member has not held such

temporary position in excess of twelve (12) continuous months, and

**Second**, the Department or area to which the member holds recall rights has not been permanently shutdown.

## **2. Temporary Transfer—When Member's Rights Are in New Area**

### **(a) Temporary Transfer to a Single Zone or Local**

A member who on March 1, 2009 or, for a vacancy election, at the beginning of the month in which nominations are held, is holding a temporary position in a grievance zone or within the jurisdiction of a Local Union, other than the grievance zone or Local Union in which the member holds recall rights, shall be eligible to vote and be a candidate in the grievance zone or the Local Union in which such member holds such temporary position if either one of the following two conditions are met:

**First**, the member has held a temporary position in excess of twelve (12) continuous

months in the same grievance zone (if a grievance position is involved) or Local Union (if a Local Union office is involved), or

**Second**, the member has held a temporary position in the same grievance zone or Local Union for less than twelve (12) continuous months but the area to which the member holds recall rights has been permanently shutdown.

### **Temporary Transfer to More than One Zone or Local**

A member who on March 1, 2009 or, for a vacancy election, at the beginning of the month in which nominations are held, has held temporary positions in more than one grievance zone or within the jurisdiction of more than one Local Union, other than the grievance zone or Local Union in which the member holds recall rights, shall be eligible to vote and be a candidate in the grievance zone and Local Union where the member performed the most work during the preceding month if either one of the following two conditions are met:

**First**, the member has held such temporary

positions for at least twelve (12) continuous months in grievance zones (if a grievance position is involved) or within the jurisdiction of Local Unions (if a Local Union office is involved), or

**Second**, the member has held such temporary positions in grievance zones or within the jurisdiction of Local Unions for less than twelve (12) continuous months but the area to which the member holds recall rights has been permanently shutdown.

## **II. PERTINENT PROVISIONS OF RECENT MERGER AGREEMENTS**

### **A. URW (Rubberworkers)**

Former URW Locals may, if they so desire, continue their practice of electing Local Union Officers by majority vote rather than by plurality vote.

### **B. IWA**

Former IWA Local Unions may continue to hold elections of Local Union Officers in accordance with their pre-merger Local Union By-Laws.

## **C. PACE**

Former PACE Local Unions shall be entitled from the effective date of the merger to conduct elections of Local Union Officers under the applicable provisions of either: The USW Constitution; or Articles VII and IX of the PACE Constitution and the pre-merger Local Union By-Laws of the former PACE Local Union applying to the Local Union Elections. PACE Local Unions choosing this second option shall be free to adopt, at their option, the USW plurality rule for determining the winner of a Local Union election, but shall hold elections in 2012 and thereafter on the same three-year cycle as is observed by all other USW Local Unions and, beginning with the 2012 Local Union elections, follow the USW eligibility requirement for continuous good standing (24 months instead of one year).

**Sample Letter to Members Nominated for Local Union Office but not Eligible on the Basis of Local Union Attendance Records and the Union Activities and Working Hours Excuses:**

Dear Brother/Sister \_\_\_\_\_:  
At the meeting of our Local Union held on March \_\_\_\_\_, 2009, you were nominated for the position of \_\_\_\_\_. During the period between April 1, 2007 and now, the Local Union held \_\_\_\_\_ regular Local Union meetings. A check of our meeting attendance book indicates that you attended \_\_\_\_\_ of these Local Union meetings [the meeting(s) held on the following date(s): \_\_\_\_\_]. A check of the Union's records and the Company's records indicates that you satisfied the Union activities excuse or the working hours excuse for the following meeting(s): \_\_\_\_\_

In order to be eligible to run for office, you must have attended one-third (1/3) of the meetings which you were not prevented from attending because of your Union activities, working hours at the Company, service in the

armed forces, sickness which confined you to your home or the hospital, a death in your immediate family, or jury duty.

As indicated above, we have already checked the records of the Local Union and the Company to see whether or not you are entitled to an excuse for Union activities or working hours. On the basis of actual attendance and your Union activities and working hours, you have not satisfied this requirement.

If you claim that you were prevented from attending one or more meetings because of any of the other reasons, we would appreciate your advising us of this fact in writing and supplying us with written proof from a person in authority such as your commanding officer, physician or Clerk of Courts.

The information should be supplied to:

\_\_\_\_\_.

Since we must complete arrangements for the printing of the ballots it is essential that we have your response in hand by\_\_\_\_\_.

We appreciate your cooperation in this matter.

In Solidarity,

**Sample Letter to Members of  
Amalgamated Local Unions Nominated  
for Unit position but not Eligible on the  
Basis of Local Union Attendance  
Records and the Union Activity and  
Working Hours Excuses:**

Dear

Brother/Sister \_\_\_\_\_

At the meeting of your Unit held on March \_\_\_\_\_, 2009, you were nominated for the Unit position of \_\_\_\_\_. During the period between April 1, 2007 and now, the Local Union held \_\_\_\_\_ regular Local Union meetings and the Unit held \_\_\_\_\_ regular Unit meetings. A check of our meeting attendance book indicates that you attended \_\_\_\_\_ of the Local Union meetings [the meeting(s) held on the following date(s): \_\_\_\_\_,] and of the regular Unit meetings [the meeting(s) held on the following date(s): \_\_\_\_\_]. A check of the Union's records and the Company's records indicates that you satisfied the Union activities excuse or the working hours excuse for the following Local Union meeting(s): \_\_\_\_\_,

and the following Unit meeting(s):

\_\_\_\_\_.

In order to be eligible to run for (insert Unit position) you must have attended either one-third (1/3) of the meetings of the Local Union which you were not prevented from attending because of your Union activities, working hours at the Company, service in the armed forces, sickness which confined you to your home or the hospital, a death in your immediate family, or jury duty, or one-third (1/3) of the meetings of your Unit which you were not prevented from attending for the same reasons.

As indicated above, we have already checked the records of the Local Union and the Company to see whether or not you are entitled to an excuse for Union activities or working hours. On the basis of actual attendance and your Union activities and working hours, you have not satisfied this requirement.

If you claim that you were prevented from attending one or more meetings because of any of the other reasons, we would appreciate your advising us of this fact in writing and supplying us with written proof from a person in authority such as your commanding officer, physician or Clerk of

Courts. The information should be supplied to:\_\_\_\_\_.

Since we must complete arrangements for the printing of the ballots it is essential that we have your response in hand by\_\_\_\_\_.

We appreciate your cooperation in this matter.

In Solidarity,

## NOTE