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**CONSTITUTION
of the
NATIONAL ASSOCIATION
OF
LETTER CARRIERS
of the
UNITED STATES OF
AMERICA**

Organized at Milwaukee, Wisconsin, 1889
Affiliated with the American Federation
of Labor, September 20, 1917.
Affiliated with the American Federation
of Labor and Congress of Industrial
Organizations, December 5, 1955.

**ARTICLE 1
Name, Powers and Objectives**

Section 1. This labor organization, hereinafter referred to as the Union, shall be known as the

National Association of Letter Carriers of the United States of America, and shall be identified by the initials NALC.

Sec. 2. This document shall be known as the Constitution of the National Association of Letter Carriers, Constitution for the Government of Subordinate and Federal Branches, Constitution for the Government of State Associations, Constitution and General Laws of the United States Letter Carriers Mutual Benefit Association and Health Benefits Plan.

Sec. 3. The Union shall have jurisdiction to make its own Constitution, Rules of Discipline and General Laws of the United States Letter Carriers Mutual Benefit Association and Health Benefits Plan.

Sec. 4. The National Convention shall be the supreme body to which final appeal shall be made on all matters emanating from Members, Branches and State Associations. There shall be no geographical limitations on the jurisdiction of the Union.

Sec. 5. The objects of the Association shall be: to unite fraternally all letter carriers and other employees of the Postal Career Service for their mutual benefit; to obtain and secure our rights as employees of the United States Postal Service, and to strive at all times to promote the safety and the welfare of every member; in conjunction with the Postal Service, to strive for the constant improvement of the Service; to create and establish the NALC Life Insurance Department and the NALC Health Benefits Department; to construct, maintain, and operate the NALC buildings in the city of Washington, D.C., and other localities; to establish a non-contributory retirement program for officers

and employees; to sponsor a non-profit retirement housing facility in East Lake Wales, Florida, to be owned and operated by the National Association of Letter Carriers, Retirement, Educational, Security, Training, Incorporated—NALCREST; and to establish and operate, under rules adopted and promulgated by the National Executive Council, a fund composed wholly of voluntary contributions by the membership to be used at the national and local levels exclusively for the purpose of assisting candidates without regard to party affiliation for election to federal office who favor legislation in the interest of labor, said fund to be separate and apart from all other moneys and funds of the Union.

ARTICLE 2

Branches, State Associations, Membership

Section 1. Membership in the National Association of Letter Carriers shall be open without regard to race, creed, color, sex, national origin, age, religion, handicap, or marital status. Membership shall be:

(a). regular branch members who shall be nonsupervisory employees in the Postal Career Service, and regular branch members who the Executive Council has determined were unjustly separated from the Postal Career Service, retirees from that Service who were regular members of the NALC

when they retired, and persons leaving the Service with coverage under Office of Workers Compensation Programs (OWCP). Such retirees, OWCP departees, and non-letter carrier regular members shall have no voice or vote in the branch in any matter pertaining to the ratification of a national working agreement, local memorandum of understanding, or proposed work stoppage;

(b). present members of existing Federal Branches may retain their membership;

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

(d). a Form 1187 (Dues Check-off Provision) must be signed and filed by all applicants seeking membership within the NALC;

(e). a Form 1189 (Dues Check-off Provision) must be signed by all retiring members within the NALC who wish to retain their membership in said organization, effective October 1, 1982.

(f). Upon proper execution and receipt of Form 1187, the new member shall be provided by the NALC with a complimentary copy of the current National Agreement and NALC Constitution.

Sec. 2. All members of the National Association of Letter Carriers shall be affiliated with a Subordinate Branch and with the State Association, if one exists, in the State in which their branch shall have jurisdiction over members working under one or more Postmasters as determined by the branch charter. In the event the Postal Service shall combine one or more offices into one with a single Postmaster, the smaller branch or branches shall be merged with the largest branch into one branch, provided the provisions of Article 2, Section 3(e) are complied with. The number of any NALC members in the Branch will determine which is the largest. When the Postal Service shall separate one office into more than one office, the following shall apply: The smaller minority of these groups shall have the option, by majority vote, to continue their membership in their original subordinate branch, and also, except in the case of rural carriers, may form a county subordinate branch or affiliate with a subordinate branch in the adjacent city.

Sec. 3. Mergers of Branches may be effected only in accordance with the following rules and regulations:

(a). each Branch proposing to merge shall, within a period of ninety (90) days, have a regular or special meeting. Such meeting shall be held for the purpose of considering a resolution calling for merger after at least thirty (30) days notice of said meeting to each member, which notice shall set forth the details of the proposed merger;

- (b). when a merger is formally voted upon and put into effect, it will be final and binding;
- (c). the identity and geographic area covered by the Branch which will emerge from, or the name and number of the Branch which will survive, the merger or absorption shall be determined;
- (d). any agreement or agreements between the applying Branches concerning by-laws, dues structure, terms and identity of officers, disposition of assets, assumption of liabilities, if any, and proposed effective date of the merger or absorption shall be specified;
- (e). a majority affirmative vote of all regular members in good standing, present and voting, of each Branch proposing to merge, shall be necessary to authorize application for merger;
- (1). an application to the President of the NALC signed by the President and Secretary of each Branch proposing to merge containing the following: a copy of the resolution adopted by each Branch; a certification by each Branch Secretary of the vote of his/her Branch, including the date and place of its meeting, the number of its eligible voters, and the number of affirmative votes cast; and a statement of the reasons for desiring the merger;
- (g). upon receipt by the President of an application for merger on appropriate form from two or more Branches, the President of the NALC shall issue a charter forthwith;
- (h). merger applications will be considered in the light of the following criteria, among others: all mergers will be on a voluntary basis, a merger may not cross the geographic boundary lines of a state, unless a consolidation of post offices across state lines puts the Branches under one installation head;

(i). if a substantial complaint is raised following Branch merger voting, documentation and supporting evidence of the charge or charges must be submitted to the National President, within thirty (30) days after such voting, who will in turn have the authority, upon review, to order a new vote to be taken among all members in each respective Branch seeking merger in accordance with the Voting procedures as contained in the By-Laws of each respective Branch, and the National Constitution.

Sec. 4. All members of branches within the geographic boundary lines of a state, except in states without a State Association, must be affiliated within the State Association under the name and title ____ State Association of Letter Carriers.

Sec. 5 (a). When receiving proper notification by the Branch Secretary that a member has completed twenty-five (25) years, or thirty (30) years, or thirty-five (35) years, or forty (40) years, and forty-five (45) years of membership, the National Association of Letter Carriers shall provide a suitable lapel pin to such member. Upon completion of fifty (50) years membership in this Association, and proper request having been directed by the Branch Secretary to the National Secretary-Treasurer, a member shall be given a Life Membership Card of gold which shall entitle him/her to all privileges of membership in the National Association of Letter Carriers without payment of dues, per capita tax, or special assessments from the date of issue of such Life Membership Card; provided, however, that a Life Member shall not be exempt from the requirements of premium payments to the Mutual Benefit Association or the Health Benefit Plan. Life Members shall also be issued a

suitable lapel pin. The Life Membership Card and the lapel pin shall be issued by the National Association through the office of the National President.

(b). When receiving proper notification by the Branch Secretary that a member has completed sixty (60) years of membership, the National Association of Letter Carriers shall provide a suitable lapel button to such member.

(c). When receiving proper notification by the Branch Secretary that a member has completed seventy (70) years of membership, the National Association of Letter Carriers shall provide a suitable plaque for such member. The same shall be done at the completion of seventy-five (75) years.

ARTICLE 3

Time and Place of Conventions and Special Meetings

Section 1. The National Convention of this Union shall be held biennially in even-numbered years between the Fourth of July and third full week of August. The time and place of the Convention to be held in the year 2002, and all subsequent Conventions, will be determined by the Executive Council of the National Association of Letter Carriers, eliminating the geographic regions which were the sites of the two previous Conventions. For purposes of this section, geographic regions shall mean the five United States Postal Service regions that existed prior to 1992. Any materials and/or literature distributed at a National Convention must bear a union label. After a convention city has thus

been selected, all further arrangements for the conduct of the Convention, the costs of which shall be borne by the National Convention Fund, shall be under the supervision and authority of the Executive Council of the National Association of Letter Carriers.

Sec. 2. Special meetings shall be called by the President upon the written request of not less than one-half of all the Branches representing not less than two-thirds of this membership of this National Association of Letter Carriers. The Secretary-Treasurer shall notify by letter each Branch entitled to representation in the National Association of Letter Carriers, and also every member by a general notice printed in *The Postal Record* stating the object of the call. No other business shall be transacted at said special meeting.

If the object of the call is to raise per capita tax or to levy a general or special assessment on members, the Secretary shall send the aforesaid notice no less than 30 days before the meeting is convened.

Sec. 3. Three hundred delegates, from Branches in not less than 10 states, representing at least 8 percent of the Branches having an aggregate membership of at least 15 percent of the members of the NALC as shown by the records in the office of the National Secretary-Treasurer as of January of the current year, shall constitute a quorum, but less than that number may adjourn to meet at a future specified time.

Sec. 4 (a). National Business Agents shall have the authority to conduct Rap Sessions in their respective Regions, consistent with the needs of the area served, as determined by them.

(b). The National President shall, once each year except in the year of the National Convention, call a national conference. This conference shall be voluntarily attended by only State and Branch Presidents or their designees, with their expenses to be borne by the State Association or Branch represented.

ARTICLE 4

Delegates to the Convention

Section 1. Each Branch having twenty (20) or less members shall be entitled to one delegate and one vote in the National Convention. Branches having more than twenty (20) members shall be entitled to one delegate and one vote for each twenty (20) members, or fraction thereof. Each State Association shall be entitled to two Delegates-at-Large. National Officers and Delegates-at-Large shall each be entitled to one vote, as such, provided that vote may not be cast for officers.

Each delegate shall be supplied with a certificate of election signed by the president and recording secretary of the Branch.

Sec. 2. Each delegate shall serve from the biennial meeting of the National Association succeeding his! her election until the next biennial meeting.

Sec. 3. At the regular election of Branch delegates, the Branch shall elect the same number of alternates as there are delegates selected; and, at the election of Delegates-at-Large, the State Association shall elect also two alternate Delegates-at

Large who shall be recognized as the delegate in the event of the inability of any delegate to attend the Convention, or of the death or resignation of any delegate. The Branch may elect both paid and unpaid delegates and alternates as long as every qualified member has an equal opportunity to run for both the paid and unpaid positions; provided, that the alternate who received the highest number of votes shall be assigned to act instead of any one delegate who is unable to attend such Convention; and, when more than one delegate is unable to attend such Convention, alternates shall be assigned in accordance with the number of votes cast for each one in the election, and shall be certified in such numerical order to act in their stead. A delegate and his/her alternate shall not both be admitted during any one biennial or special meeting. Any vacancy in the office of delegate, Delegate-at-Large, or their alternates may be filled by the Branch or by the State Association. An alternate delegate before being admitted to the National Convention shall present either his/her certificate of election or written evidence from the Secretary of his/her Branch, or from the delegate for whom he/she is elected alternate, that the elected delegate is unable to attend the meeting of the National Association.

Sec. 4. National Officers and Delegates-at-Large shall each be entitled to one vote only. The delegates from any Branch present at the National Convention shall be allowed to cast the whole number of votes to which the Branch is entitled, provided such delegates agree unanimously as to who among them shall cast such vote. In case of disagreement, the delegates in attendance shall be entitled to such number of whole votes as can be divided equally

among them each pro rata. The number of members for whom per capita tax is paid to the National Association for the term beginning October 1 prior to each Biennial Convention shall determine the number of votes and delegates to which the Branch is entitled at such Convention.

ARTICLE 5

Elections

Section 1. The provisions of this Article shall govern the election of all delegates and alternate delegates to the National Association Convention and to the State Association Convention.

Sec. 2. All qualified regular members shall be eligible to be a delegate or alternate delegate to the National Association Convention or State Convention, except that any regular member who voluntarily or otherwise, holds, accepts, or applies for a supervisory position in the Postal Career Service for any period of time, whether one (1) day or fraction thereof, either detailed, acting, probationary or permanently, shall immediately vacate any office held, and shall be ineligible to run for any office or to be a delegate to any Convention for a period of two (2) years after termination of such supervisory status. Upon nomination, the candidate must certify that he/she has not served in a supervisory capacity for the 24 months prior to the nomination.

Sec. 3. All regular members in good standing of the respective Subordinate Branch shall be entitled to one vote for each delegate and alternate delegate position to be filled.

Sec. 4. Election of delegates and alternate delegates to the National and State Association

Convention shall be made no later than December of the year preceding the convention year. No less than 45 days before each election, the secretary shall mail to every member at his/her last known address, notice of the election, stating that election for National and State Association delegate and alternate shall be held and the time, place, and manner for nomination and election. For purposes of this provision, the requirement that notices be mailed may be satisfied by publication of the notice in *The Postal Record* or in State or Branch publications that are mailed to the last known address of the member.

Sec. 5 (a). Each regular member shall have the right to nominate a candidate for National and State Association delegate or alternate delegate.

(b). Each candidate shall be nominated at a regular or special meeting of the Branch not less than four (4) weeks before the date of the election, but not less than 10 days after the notice of nomination and election has been sent out. A Branch may, however, provide in its by-laws that nominations may be made in writing, with the nomination to be received by the secretary not less than 30 days before the date of the election.

(c). Elections shall be by secret ballot. When there are more candidates for delegate or alternate delegate than the authorized number for the Branch, the election shall be by ballot, and the candidates receiving the largest number of votes shall be elected. There shall be no write-in votes for candidates not officially on the ballot. Any such write-in shall not be counted, but will not invalidate the rest of the ballot. Each eligible regular member shall be entitled to one vote for each delegate or alternate position to be filled. Where there are fewer or the same number of candidates as

the number of delegates and alternates for which the Branch is authorized, the President may declare that such persons have been elected. Adequate safeguards to ensure a fair election shall be provided, including the right of any candidate to have an observer at the counting of the votes and at any polling place. The National Executive Council is hereby empowered to adopt and promulgate rules and regulations for the conduct of all elections in the Branches and State Associations which will provide such adequate safeguards. The election will be held at a regular meeting of the Branch; or a Branch may provide in its by-laws that ballots may also be cast at each station not more than seven (7) days, nor less than one day, before the regular meeting; or that the election shall be by a secret mail ballot. Whenever such elections are conducted by mail ballot, the last date on which ballots must be received in order to be counted shall be considered to be the date of the election. The Recording Secretary shall preserve for one year the ballots and all other records pertaining to the election.

(d). In any election of delegates to the National Association Convention, the president and secretary of the Branch or State Association shall inform the Secretary-Treasurer of the National Association in writing the name of every delegate elected through the registration procedure established by the Executive Council. If delegates to the State Association Convention are elected, the secretary will so advise the secretary of the State Association utilizing the same procedure.

(e). Elections by State Associations of Delegate(s)-at-Large and alternate Delegate(s)-at-Large shall be as provided in the State Association By-laws.

ARTICLE 6

Officers and Elections

Section 1. The elective officers of this body shall be: a President, Executive Vice President, Vice President. Secretary-Treasurer, Assistant Secretary-Treasurer. Director of City Delivery, Director of Safety and Health, Director of Life Insurance, Director of Health Benefits, Director of Retired Members who shall be a retired member, and Board of Trustees composed of three members, who shall be elected for a term of office of four (4) years or until their successors have been duly elected and installed and fifteen (15) National Business Agents. The elected officers shall, by virtue of their office, be delegates to the National Convention. In addition to their salaries, all elected officers shall be entitled to reimbursement of all itemized expenses legitimately incurred in conduct of the affairs of the Union.

Sec. 2. Every four (4) years, nominations for officers of the Union shall be called by the Chairperson of the Convention on the third day (Wednesday) of the Convention. The Chair shall call for nominations from the floor for each national office separately. Any delegate may nominate an eligible member for any one of the following national offices: President, Executive Vice President, Vice President, Secretary-Treasurer, Assistant Secretary-Treasurer, Director of City Delivery, Director of Safety and Health, Director of Life Insurance, Director of Health Benefits, Director of Retired Members, and a threemember Board of Trustees. Nominations of fifteen (15) National Business Agents shall be separately by NALC Regions, as constituted effective January 1, 1974. Only delegates from the appropriate NALC

Region may nominate candidates for the position of National Business Agent for such Region. Nomination to the position of National Business Agent in each Region shall be restricted to nominees whose Branch is located in such appropriate NALC Region. No person shall be nominated for any office without his/her written acceptance, on officially prescribed forms, which must include the endorsement from five (5) delegates representing five (5) Branches. The official forms shall be handed to the Secretary-Treasurer at the time of nomination, and no person shall be permitted to accept nomination for more than one office at any Convention. No second shall be necessary to a nomination, and no nominating speeches will be permitted by the Chair. No nominee who filed acceptance with the Secretary-Treasurer shall be allowed to withdraw his/her name. When there is but one candidate placed in nomination, the Chairperson shall declare the election by consent.

Sec. 3. The National Convention shall elect Delegates to the AFL-CIO Convention, except that the President and Secretary-Treasurer shall be Delegates by virtue of their office to said Convention, and their names shall not be required to appear on the election ballot for Delegates to the AFL-CIO Convention. Should the number of nominees exceed the number to be elected, the Delegates will be elected on a plurality basis and the listing of the names of the nominees for AFL-CIO delegates shall be placed on the ballot in an order corresponding to the results of a lottery selection among the nominees.

Sec. 4. All regular members shall be eligible to hold any office in the National Association, except that only retired members are eligible for the office

of Director of Retired Members. Any regular Branch member who shall accept a supervisory position in the Postal Career Service for any period of time, whether one (1) day or fraction thereof, either detailed, acting, probationary or permanently, or who shall leave the Postal Career Service, shall immediately vacate any office held by him/her in this National Association, its Branches. State Associations or its subsidiaries—the NALC Health Benefits Department, the NALC Life Insurance Department—unless the Executive Council finds the member was involuntarily separated from the service without just cause. Upon termination of such supervisory status, such member shall be ineligible for election to any office for two (2) years. Upon nomination, the candidate must certify that he/she has not served in a supervisory capacity for the 24 months prior to the nomination.

Sec. 5. During the nomination of officers, no motion except such as refers to the nomination, or to take a recess, shall be entertained or debate permitted.

Sec. 6. On the opening day of the Convention, the Chairperson shall appoint an Election Commissioner and a Board of Tellers to act as a committee which shall conduct the election, tabulate the votes cast, and make the count and announce the results of all calls for a “division of votes” during the Convention. This committee shall keep itself in readiness to make such a count at all times when the Convention is in session. When a teller vote is being taken, the doors of the auditorium shall be closed while the vote is taken. Nobody shall be allowed to enter or leave: the Sergeant-at-Arms shall take appropriate steps to assure that only qualified delegates are in the meeting area.

Sec. 7. On the fourth day of each Biennial Convention, the Chairperson shall appoint a National Election Committee, consisting of not less than five members, none of who shall be candidates for a national office, who shall oversee the conduct of the election of national officers. The members of the National Election Committee shall elect a Chairperson from among the members and must retain the services of an independent, impartial balloting association to assist in the preparation, distribution, collection, and tabulation of ballots. The members of the National Election Committee shall be recompensed for their time loss and expenses.

Sec. 8. As soon as practicable after the Convention at which nominations for National Officers have been made, the National Secretary-Treasurer shall furnish to the National Election Committee a list of all members eligible to vote. To be so eligible, a member must be in good standing as of June 1 of the election year. There shall be one membership-wide ballot issued in each of the fifteen (15) NALC Regions authorized and established elsewhere in this Constitution reflecting the names of all nominees for the positions of President, Executive Vice President, Vice President, Secretary-Treasurer, Assistant Secretary-Treasurer, Director of City Delivery, Director of Safety and Health, Director of Life Insurance, Director of Health Benefits, Director of Retired Members, three members of the Board of Trustees, and the names of all nominees for the position of National Business Agent for one of the fifteen (15) NALC Regions. The National Election Committee shall then be responsible for mailing ballots to all eligible members as soon as possible.

Sec. 9. The listing of the names of the nominees

for all National Offices shall be placed on the ballot in an order corresponding to the results of a lottery selection among the nominees for each office.

Sec. 10. Ballots shall be accompanied by a copy of printed voting instructions and two envelopes. The larger envelope shall be postage pre-paid and shall be pre-addressed to a post office box established by the National Election Committee. The smaller envelope shall be used for securing the ballot within the return envelope, and shall have no markings on it.

Sec. 11. All regular members shall be entitled to one vote for each office to be filled. The voter shall indicate his/her choice for each of the officers by following the procedure established by the National Election Committee as set forth in the ballot instructions. The voter shall then seal the ballot in the smaller envelope, enclose this envelope within the large one, and mail it to the post office box printed on the larger envelope. Write-in votes shall not be valid. No markings shall be made on the ballot or the smaller envelope other than as indicated in this Section.

Sec. 12. To be valid, ballots must be received by the time and date specified by the National Election Committee in the printed instructions which will be at least 18 and no later than 21 days from the final date upon which the ballots were mailed by the National Election Committee. On the date and at the time so specified, the ballots will be removed from the post office box by the National Election Committee and the balloting association retained by it, with at least three members of the National Election Committee being present.

Sec. 13. The ballots shall be counted by the balloting association, under the supervision of the National Election Committee. Each candidate shall be entitled to have one observer present during the counting of ballots. Observers present for each respective candidate at the counting of ballots shall not be permitted to interfere in any manner with the counting and recording of same. Observers shall abide by all policies and rules adopted by the Balloting and Election Committees. In elections for all offices, the candidate (or candidates, where the election is for a group of identical offices) receiving the largest number of votes shall be declared elected. The final tabulations shall be certified by the balloting association to the National Election Committee; said results shall be promptly certified by the National Election Committee to the incumbent Secretary-Treasurer; and the results of the election shall be officially announced by the Secretary-Treasurer in the next edition of *The Postal Record*.

Sec. 14. The National Election Committee shall be authorized to decide, by majority vote, the validity of the ballots. All appeals in connection with the validity of the ballots or the election must be filed by a member in good standing with the National Election Committee not later than the 20th day of the month in which announcement of the results is published in *The Postal Record*. Such appeals must be in affidavit form and must specify the basis of the appeal in detail. The National Election Committee shall pass on such appeals within three weeks after receipt thereof, and may hold hearings if it deems necessary. The decision of the National Election Committee upon said appeals shall be final and binding.

Sec. 15. In the case of a tie vote for a particular

office, another election for that office shall be held among the candidates for whom an equal number of votes is cast. In the event of the death of a nominee for any office, the incumbent Executive Council shall be empowered, in its own discretion, to take such action as it deems necessary, including the holding of new nominations and elections for the affected office or offices.

Sec. 16. Upon the certification of the election results by the balloting association, the National Election Committee shall deposit, in such safe receptacle as may be designated by the Secretary-Treasurer, all ballots and records pertaining to the election where they shall be preserved for one year, after which they may be destroyed upon the written authorization of the Secretary-Treasurer.

Sec. 17. The newly-elected officers shall assume their offices as soon after 45 days from the date of the certification of results by National Election Committee as is practicable.

ARTICLE 7

Source and Distribution of Revenue

Section 1. The revenue of the National Association shall be derived from the following sources: granting charters to Branches and State Associations; the sale of such supplies as may be required for the Branches and by regulation of the Executive Council under authority of the National Association; the per capita tax charged for each member of the Association in good standing; special assessments which may be levied; moneys which may be derived from the publication of *The Postal Record*; and such profits as may

accrue from the operation of the NALC building. No Postmaster shall be provided with a complimentary subscription or be permitted to purchase a subscription to *The Postal Record* without the express consent of the NALC Branch over which the Postmaster has USPS jurisdiction.

(a). A charge of one dollar shall be made for charters given to newly organized Branches in cities or villages wherein there are less than 20 carriers employed.

(b). A charge of five dollars shall be made for charters given to newly organized Branches in cities wherein there are 20 or more carriers employed.

(c). A charge of one dollar shall be made for charters given to State Associations.

Sec. 2 (a). There shall be a minimum dues structure which shall consist of the following: Each member shall pay monthly dues equal to two hours base pay for an NALC Grade 1. Step D letter carrier employed by the United States Postal Service. One third of such dues shall be allocated to the national union and shall be designated the national per capita tax. The remaining two thirds of such dues shall be allocated to the member's branch and shall be designated minimum branch dues.

(b). Each member shall pay to the National Association the national per capita defined in paragraph (a). payable semi-annually on January 1 and July 1; provided, that members whose dues are checked off pursuant to a collective bargaining agreement need not advance their semi-annual tax, but shall pay it by the method determined in the checkoff agreement. A member who has retired from the Postal Career Service under the Civil Service Retirement Act or Federal Employees Retirement

System shall pay to the National Association \$7 per annum payable semi-annually in advance or via dues check-off, as provided in Article 2, Section 1(e).

(c). No branch may have dues which are lower than the minimum branch dues defined in paragraph (a). Branches may have dues which are higher than the minimum branch dues.

Application of the foregoing provisions shall not result in a reduction of the dues income of any branch in effect as of July 31, 2000, and any increase in branch dues as of such date necessary to preserve such dues income shall be implemented automatically. This section shall become effective on January 1, 2001.

Sec. 3 (a). One dollar per member per annum, deductible semi-annually, of all per capita tax shall be deposited in the Building Fund of the National Association of Letter Carriers.

(b). Seventy-five (75) cents per member per annum deductible semi-annually, or on a pro rata monthly basis for those enrolled in the dues withholding program, of all per capita tax shall be held in reserve in the General Funds of the Association. Said reserve shall be known as the National Convention Fund, the purpose of which shall be to underwrite the costs of the Biennial Conventions of the National Association of Letter Carriers, under the supervision and authority of the Executive Council of the National Association of Letter Carriers.

(c). Twenty cents per annum, deductible semiannually, of all per capita tax shall be held in reserve in the General Funds of the Association. Said reserves shall be known as the Letter Carriers Band Fund, the purpose of which shall be to underwrite, insofar as possible, the cost of sending to the Biennial Convention of the National Association of Letter

Carriers, up to five Letter Carrier Bands on a rotating basis regardless of location to the convention city and beginning in alphabetical order with those Letter Carrier Bands who were not funded to the 1984 National Convention. The Letter Carrier Band Fund shall be under the supervision and authority of the Executive Council for the National Association of Letter Carriers, and a band committee appointed by the President.

(d). Fifty (50) cents per member per annum, deductible semi-annually, of all per capita tax shall be deposited in the NALC Contingency Fund. Use of the revenues from this Fund shall be limited to promoting, publicizing, and coordinating a nationally mandated work stoppage.

(e). Twenty cents per annum, deductible semiannually, of all per capita tax shall be held in reserve in the General Funds of the Association. Said reserves shall be known as the Public Relations Fund, the purpose of which shall be to underwrite, insofar as possible, the cost of improving the public image of the Letter Carrier. The Public Relations Fund shall be under the supervision and authority of the Executive Council for the National Association of Letter Carriers and a committee appointed by the President.

(f). The National Secretary-Treasurer shall reimburse to each State Association the amount of per capita tax that was collected in their behalf from Branches under their jurisdiction, by means of the dues check-off and the National semi-annual per capita tax calls.

(g). Three dollars (\$3.00) per member per annum deductible semi-annually of all Per Capita Tax shall be deposited in a Political Education Fund for the exclusive use of National Association of Letter

Carriers' state organizations involved in political education. Biennially each state organization will be given an accounting of the Political Education Funds collected from and spent in that state.

Sec. 4. Should the necessities of this Association require an expenditure in excess of its income, the reason for such expenditure, together with the call for assessment to meet the same, shall be submitted to the Branches for their approval or rejection. A majority of all votes cast is necessary to authorize the levying of an assessment.

Sec. 5. Any Branch or member-at-large neglecting to pay dues, per capita tax, or assessments, within 30 days after the same are due, shall be fined 10 percent of the amount due and shall stand suspended until such dues, per capita tax, or assessments and fines are paid; provided, however, the National Secretary-Treasurer may excuse the payment of fines by Branches where the fine does not amount to more than two dollars (\$2.00).

Sec. 6. Any Branch remaining suspended for six months shall forfeit all right and title to its charter, which shall be surrendered to the National Secretary-Treasurer. Such Branch can be reinstated only by the payment of all dues, per capita tax, and assessments in arrears at the time of suspension, together with the dues or per capita tax to the National Association of Letter Carriers for one term in advance.

ARTICLE 8

Charters

Section 1. The President shall have power, in connection with the Secretary-Treasurer, to issue char-

ters during the recess of the National Association, and to take such measures as may be necessary to institute Branches. Charters for merged Branches will be issued in accordance with rules and regulations as specified in Article 2, Section 3, of this Constitution.

Sec. 2. In any State in which there are not less than three Branches, a State Association may be formed and the President, in connection with the Secretary-Treasurer, shall have power to issue charters between Conventions.

Sec. 3. The members in any state not having a State Association may affiliate themselves with the State Association of an adjoining state, until such time as a State Association is formed in their state. When this occurs, the members (affiliated with their adjoining State Association) will terminate their affiliation with the adjoining State Association and affiliate with their own State Association.

ARTICLE 9

Duties of Officers

President

Section 1 (a). The President shall preside at all meetings of the National Association and enforce all laws thereof, he/she shall have the general superintendency of its affairs with power to grant dispensations when, in his/her judgment, the good of the Union may require it; he/she shall have the authority to assign National Business Agents and other representatives for the purpose of engaging in organizational activities, policing collective bargaining agreements, investigating and settling grievances, unfair labor practices, and labor disputes, and related activi

ties, as the needs of the Union from time to time may require.

(b). *The Postal Record* shall be published in Washington, D.C., under the guidance and financial control of the Executive Council. Matter for *The Postal Record* shall be mailed so as to reach the Editor not later than the tenth of each month to be considered for publication in the next issue. Manuscripts shall be carefully written or typed on one side of a sheet only. Proper names shall be legibly written. Branch, District, State Association, and Retiree items shall not exceed 300 words, preferably less. All articles submitted by authorized scribes pertaining to Branch, District, State Association, or Retiree items of interest will be published as written, unless such article is defamatory or unlawful. Auxiliary items shall not be more than 150 words. Branch and Auxiliary articles submitted for publication in *The Postal Record* shall be submitted by the regularly selected correspondent or his/her alternate.

(c). He/she shall fill all vacancies occasioned by death or otherwise with person duly qualified until the next election be held; between meetings of the Executive Council, authorize the expenditure of all funds he/she deems necessary and appropriate to furthering the aims and purposes of this Union; sign all orders on the Secretary-Treasurer drawn as provided by law; and sign all documents and papers that require his/her signature to properly authenticate them.

(d). He/she shall, together with the Secretary/Treasurer, sign and file with the Secretary of Labor, on behalf of the National Association of Letter Carriers, the annual financial report required by public law.

(e). He/she shall have the authority and responsibility for carrying out the collective bargaining duties of the Union; he/she may designate such members of the bargaining committee as he/she chooses and take all steps he/she deems necessary and proper to enforce the rights of the Union and its members under all collective bargaining agreements, including the determination of referral of all matters to arbitration; and he/she shall appoint a Ballot Committee pursuant to Article 16 hereof.

(f). He/she shall exercise the powers defined in Article 18, entitled Trusteeship.

(g). At least 24 hours prior to each Convention, he/she shall appoint from the list of delegates in the hands of the Secretary-Treasurer separate committees on credentials and mileage and per diem, each to serve during the Convention. He/she shall also appoint a sergeant-at-arms. He/she shall further appoint such additional committees for the duration of the Convention as in his/her judgment are required to conduct the business to come before the Convention.

(h). The President is authorized to appoint Regional Administrative Assistants in such established NALC Regions in accordance with the needs of each respective NALC Region. He/she shall establish and appoint full-time Regional Administrative Assistants based on the request of the National Business Agents, who must document and support their need, and such other organizers, representatives, assistants, counsel, accountants, industrial engineers, and other professional administrative personnel as he/she may require to assist him/her in the operation of the Union and to fix their compensation, subject to the approval and ratification of the Executive

Council. The President may also employ an expert accountant or audit company to audit the books and records of the Union or any of its subsidiaries at any time when, in his/her discretion, it may be deemed necessary; and said expert accountant or audit company shall give satisfactory bond as to the accuracy and correctness of the audit.

(i). At the close of each Convention, he/she shall make such appointments of standing and special committees as shall have been provided for, and shall have power to fill all vacancies occurring therein during recess. He/she shall see that the names and branches of all committee appointments be published in the first issue of *The Postal Record* after being appointed.

(j). His/her decisions upon all questions of law shall be promulgated by the Secretary-Treasurer and shall be final between Conventions. He/she shall report all such decisions to the Convention for approval or rejection; such decisions, when approved or revised by the Union, shall have the force and effect of General Laws of the Union.

(k). He/she shall submit at each Convention a written report of all his/her official acts during his/her term of office, and he/she shall perform such other duties as the laws, rules, and usage's of this Union may require.

(1). He/she shall assign all National Officers, including the officers of the MBA and the Health Benefit Plan to Branch affairs, District meetings, and State Conventions when, in his/her judgment, the size or importance of the event warrants such assignments. He/she shall, by virtue of his her office, be a delegate to the AFL-CIO Convention, and he/she shall Chair the Executive Council.

(m). For the faithful performance of the above duties, he/she shall receive the sum of \$161,586.36 per annum, payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

Executive Vice President

Sec. 2 (a). The Executive Vice President shall preside in the absence of the President and in case of death, resignation, disqualification, refusal, or neglect of the President to discharge the duties of his/her office, the Executive Vice President shall perform all duties incumbent upon the President until the next biennial election shall be held and his/her successor duly installed.

(b). He/she shall make a complete report of his/her acts at each Convention of the National Association of Letter Carriers.

(c). He/she shall serve as Director of Organization, Collective Bargaining Negotiations, Labor Relations, and Legislation, and in such capacity shall oversee preparations for collective bargaining negotiations and participation therein, and guide and direct all activities of this Union relating to legislation. He/she shall have primary operational responsibility for giving guidance and direction regarding interpretation of contracts, the processing of grievances, the institution and processing of court actions involving collective bargaining relationships, and the processing of unfair labor practice charges; he/she shall be in charge of administering, policing, and advising upon matters

relating to collective bargaining relationships and the national bargaining agreements, and local supplements there-to. He/she shall be in charge of organizational activities within the Association, which include the enrolling of members and other related duties. He/she shall perform such other duties as shall be assigned to him/her by the President.

(d). For the faithful performance of the above duties he/she shall receive the sum of \$135,924.36 per annum, payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

Vice President

Sec. 3. He/she shall assist the Executive Vice President in the performance of his/her duties. He/she shall exercise direct, immediate supervision over the National Business Agents and other representatives, insofar as their duties relate to his/her duties. He/she shall perform such other duties as may be assigned to him/her by the President. He/she shall make a complete report of his/her acts at each Convention. For his/her services, he/she shall receive the sum of \$131,908.92 per annum payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

Secretary-Treasurer

Sec. 4 (a). The Secretary-Treasurer shall keep a correct record of the proceedings of this Association. He/she shall affix the seal of this Association to all official documents, prepare for publication a copy of the proceedings of this Association after the close of each National Convention or called meeting, and shall present on the first day of each National Convention a complete statement of the condition of this Association, including a statement of the membership.

(b). He/she shall compile and arrange for publication, subject to the approval of the Executive Council, all amendments to the Constitution and Laws adopted by the National Association.

(c). He/she shall draw and attest all orders (which must be signed by the President) for money in payment of bills that have been approved by the Fiscal Committee, all of which shall be paid by the Secretary-Treasurer.

(d). He/she shall conduct the correspondence of this Association, and shall have charge of all records.

(e). He/she shall keep a true and correct account between this Association and the Branches. He/she shall close all entries in his/her books March 31. prior to the opening of the National Convention, and shall present to this Association on the first day of each National Convention a full and correct statement of the money received and disbursed during the two preceding fiscal years.

(f). He/she shall receive all moneys due the National Association, and such moneys shall be deposited in the depositories designated by the Executive Council and approved by the President;

such deposits shall be made in the name of the National Association of Letter Carriers of the United States of America, and interest received thereon shall be paid to the Secretary-Treasurer and credited to the General Fund of the Association.

(g). He/she shall have his/her accounts correctly posted and ready for examination by the Executive Council whenever they may require. He/she shall present to this Association on the first day of each Convention a full and correct report of the condition of the Treasury.

(h). He/she shall, whenever called upon to do so by the President and the Executive Council, account for and deliver over to the National Association or to his/her successor in office all moneys, books, papers, securities, and other property of said National Association that may have come into his/her possession.

(i). He/she shall make monthly reports to the President and Executive Council, giving the receipts and expenditures of the funds of this Association in detail, as shown by the books in his/her office.

(j). He/she shall make reports, giving the receipts and expenditures of the funds of this Union, in detail as shown by the books in his/her office, to the membership semi-annually in *The Postal Record* issues for February and August of each year.

(k). He/she shall be bonded in a good and sufficient sum to be determined by the Executive Council who shall have authority to increase or decrease this bond when, in their judgment, such action is necessary to cover the funds accumulated in the Treasury.

(1). The Secretary-Treasurer shall preserve for one year the credentials of the Convention delegates and all minutes and other records of the Convention pertaining to the election of officers.

(m). He/she shall, by virtue of his/her office, be a delegate to the AFL-CIO Convention.

(n). He/she shall assure that every officer, employee, or other representative of the National Association who handles funds or other property shall be bonded therefor to provide protection against loss by reason of acts of fraud or dishonesty on his/her part directly or through connivance with others. Such bond shall be in the amount required by public law and shall be determined at the beginning of each fiscal year. The expense of such bond shall be paid by the National Association.

(o). He/she shall perform such other duties as the laws require, and as the President may from time to time assign him/her. For his/her services, he/she shall receive \$131,908.92 per annum, payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of the letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

Assistant Secretary-Treasurer

Sec. 5. The Assistant Secretary-Treasurer shall serve as Secretary-Treasurer in the absence of the Secretary-Treasurer. He/she shall be under the direct supervision of the President, and shall perform such duties as may be assigned to him/her from time to time by the President. He/she shall serve as Secretary of the Executive Council when it is in session. He/she shall be bonded in a good and sufficient sum to be determined by the Executive Council, which bond must be deposited with the Executive Council.

For his/her services, he/she shall receive \$131,908.92 per annum, payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary

increases. He/she shall be entitled to the same sick and annual leave provisions of the letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

Director of City Delivery

Sec. 6 (a). The Director of City Delivery shall serve under the direct supervision of the President.

(b). He/she shall be in charge of all organizational activities relating to the city delivery service, including but not limited to the preparation of materials for training programs.

(c). He/she shall be a member ex officio of the National Joint City Delivery Committee established by Article 41, Section 5, of the 1973 National Agreement between the National Association of Letter Carriers and the United States Postal Service.

(d). The Director of City Delivery shall make a complete report of his/her acts at each Convention of the National Association of Letter Carriers.

(e). He/she shall perform such other duties as may be assigned to him/her from time to time by the President.

(f). For his/her services, he/she shall receive \$131,908.92 per annum payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of the letter carriers, and he/she shall

be scheduled for three weeks of annual leave each year.

Director of Safety and Health

Sec. 7 (a). The Director of Safety and Health shall guide and direct the activities of the Union relating to safety and health matters. He/she shall perform such other duties as may be assigned from time to time by the President. He/she shall make a complete report of his/her acts at each Convention.

(b). For the faithful performance of the above duties he/she shall receive the sum of \$131,908.92 per annum payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of the letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

National Business Agents

Sec. 8. There shall be fifteen (15) National Business Agents, who shall devote full time to their duties. Subject to the ultimate direction of the President, and the immediate direction of the Executive Vice President and the Vice President in their respective spheres of authority, they shall perform duties relating to organizing, contract administration and interpretation, and the processing of grievances and unfair labor practices. Their functions shall include, but not be limited to, assisting in organization campaigns, gathering evidence for legal proceedings, assisting in the preparation of grievances and arbitration hearings, assisting in the mediation and conciliation of labor disputes, advising members

and local officers upon practice and procedure, assisting in all activities relating to legislation: conducting training and educational seminars; and all other functions relevant to their duties. In the performance of their duties they may be assigned by the President in such numbers and to such functions and localities as he/she deems fit and necessary. They shall have such control and authority over other representatives as the President shall determine. They shall be members of the Executive Council. For their services, they shall receive \$94,259.22 per annum payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. They shall be entitled to the same sick and annual leave provisions of the letter carriers, and they shall be scheduled for three weeks of annual leave each year.

Director of Retired Members

Sec. 9 (a). The Director of Retired Members shall be elected by the members of the National Association of Letter Carriers who are in good standing with the Association.

(b). The Director of Retired Members' duties shall be to coordinate all activities of the retired members, and he/she shall be the legislation advocate and the Congressional Liaison for the retired members of the National Association of Letter Carriers. He/she shall be the National Organizer for the retired members of the National Association of Letter Carriers, shall be under the direct supervision of the President, and shall perform such other duties as may be assigned to him/her from time to time by the President.

(c). The salary of the Director of Retired Members

shall be \$131,908.92 per annum payable weekly, effective August 18, 2006, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of the letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

Board of Trustees

Sec. 10. The Board of Trustees shall act as trustees of this Union. They shall, no less frequently than annually, audit the books of this Union, employing such professional and clerical assistance as they deem necessary. They shall render a complete report of such audits to the Executive Council, which shall arrange for their publication in *The Postal Record*. They shall also make a complete report of such audits to the Convention. They shall hold in custody the property of the Union and approve the bonds of all bonded officers. They shall also serve as Trustees of the NALC Health Benefit Program, Life Insurance Program, and the NALC Annuity Trust Fund: and such other duties as the National Convention may direct. The Board of Trustees shall select from their own number, one who shall be chairperson of the Board. For the faithful performance of the above duties, each of the three Trustees shall receive the sum of \$24,957.40 per annum payable weekly, effective August 18, 2006, with the selected Chairperson of the Board to receive an additional \$700 per annum, payable weekly provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases.

Executive Council

Sec. 11 (a). The Executive Council shall consist of the President, Executive Vice President, Vice President, Secretary-Treasurer, Assistant Secretary-Treasurer, Director of City Delivery, Director of Safety and Health, Director of Life Insurance, Director of Health Benefit Plan, Director of Retired Members, Board of Trustees, and the National Business Agents.

(b). Meetings of the Executive Council shall be held at least twice each year. They shall be held at such times and in such places as the President shall determine. The President shall act as chairperson of the Executive Council when in session, and the Assistant Secretary-Treasurer shall act as its secretary.

(c). Meetings of the Executive Council shall be on not less than 10 days notice, except for emergency meetings.

(d). A meeting of the Executive Council may be called by petition of a majority of the members of the Council.

(e). Second only to the Convention in legislative and policy-making authority, it shall act between Conventions on all matters related to the welfare of the Union not specifically prohibited by the membership, and it shall submit such proposed changes to the Constitution and Laws of the National Association of Letter Carriers, and subordinate bodies thereof, to National Conventions as it may deem expedient. The Executive Council is hereby authorized to:

(1) supervise the activities, affairs, and functioning of the Union:

(2) establish and order compliance with such rules, regulations, or procedures, consistent with this Constitution, as are required for the effective management of the affairs of the Union;

(3) authorize and/or ratify the payment of salaries, wages, expenses, allowances, and other disbursements which it deems necessary and appropriate to the purpose and functioning of this Union, other than provided for:

(4) establish such benefits as may be required to attract and retain competent personnel, including but not limited to annuity, welfare, vacations, holidays, severance pay, tuition or scholarship, and insurance benefits;

(5) lease, buy, sell, mortgage, or dispose of on behalf of the Union, any property rights or privileges it deems desirable to meet the objectives and purposes of the membership;

(6) direct the investment of the funds of this Union in readily convertible securities that have a stated or well-known money market value. It shall not, at any time, loan money on personal security or real estate mortgages, and it shall deposit with the Secretary-Treasurer for safe-keeping all deeds and securities belonging to this Union:

(7) decide questions of jurisdiction relating to subordinate bodies, and conclude organizational and jurisdictional agreements with other labor organizations;

(8) provide financial assistance from the general assets of the Union to any subordinate body;

(9) bring suit in behalf of the Union, with full authority to bind in such suit all members of the Union, and to assume the costs of any legal actions in which the Union becomes involved;

(10) levy assessments for necessary revenue in

accordance with this Constitution:

(11) establish such marks, labels, or other insignia to identify the Union or to improve the recognition and status of the membership;

(12) appoint a person to fill a vacancy in office where procedures are not otherwise provided in this Constitution, or the By-Laws of any subordinate body, to serve until the next regular election for that office;

(13) refer questions or matters to a subcommittee of the Executive Council which will decide or determine the disposition of such questions or matters, subject to action at the next meeting of the Executive Council or Convention;

(14) conduct a poll of members on such subjects and under such rules as it may decide;

(15) give a general report from time to time through the President in *The Postal Record*, and biennially to the Convention;

(16) supervise the arrangements for and the conduct of all National Conventions;

(17) in conjunction with the President, the Executive Council shall have the power to investigate any Branch or member of a Branch who interferes in the work of the organization, or who circulates false or misleading statements calculated to retard the officers in conducting the organization work. If a Branch or a member of a Branch is found guilty after a fair hearing, the Executive Council and President shall have the power to suspend such Branch, or member, subject to appeal to the National Convention, in accordance with the procedure set out in Article 10 of this Constitution. These powers shall be in addition to those of the President defined in Article 18 entitled Trusteeship.

(18) approve payment for the General Fund, by the Secretary-Treasurer, the amount required to continue for life the supplemental annuity (equal to 75 percent of salary at retirement) of former National Presidents on the NALC retirement roll at the time of the 1977 installation of officers.

Regional Administrative Assistants

Sec. 12 (a). Regional Administrative Assistants shall be entitled to reimbursement of all itemized expenses legitimately incurred in the conduct of the affairs of the Union. Their salaries, payable weekly, shall be set by the National President, subject to the approval of the Executive Council.

(b). Regional Administrative Assistants shall cover the NALC Regional Office when the National Business Agent is away on official assignment, or on leave for an extended period of time.

ARTICLE 10 Removal of Officers

In case of neglect of duty or violation of this constitution on the part of any officer of this Association or a State Association, the Executive Council shall have power to remove him/her from office, impose such other penalty as it may deem proper, or suspend such State Association after a fair hearing, subject to appeal to the National Convention. Any member may file with the Executive Council a charge that an officer of the National Association or a State Association has been guilty of neglect of duty or violation of this Constitution. Upon the filing of such charge, the President or Vice President (or the Secretary-Treasurer if the charge is against both the President

and Vice President) shall, as soon as practicable: (a) send, by registered mail, a copy of the charges to the officer or officers charged, and (b) appoint a member, who is not involved in the charge, to investigate the same and to make a report in writing within 30 days to the Executive Council on the results of his/her findings. A copy of such report shall be sent by mail to the charging member and to the officer against whom the charge was filed. The Executive Council shall determine whether a substantial charge is presented by the report and, if so, shall direct a hearing thereon before a panel of three disinterested members, excluding the investigator. The panel shall make a report with recommendations to the Executive Council which shall be served on the accused officer and charging member, who may, within 15 days, file with the Executive Council objections or comments thereon. If the Executive Council finds the officer guilty, it shall be empowered to remove him/her from office, or impose such other penalty as it may deem proper. Any member aggrieved by such decision of the Executive Council shall have the right to appeal to the National Convention.

To perfect such appeal to the National Convention, the aggrieved member must, no later than sixty (60) days prior to the National Convention, file with the Chairperson of the Executive Council, by registered mail, notice of appeal, together with a full written statement of the reasons why the appeal should be granted; if the adverse decision of the Executive Council is not rendered until sixty-five (65) days or less prior to the National Convention, the notice to appeal and statement of reasons must be filed as soon after receipt of the decision as is reasonably possible.

ARTICLE 11

Committees

Building Trustees

Section 1. The National President, the National Secretary-Treasurer, and the Chairperson of the Board of Trustees shall constitute the Building Trustees.

The Building Trustees shall have supervision over the operation and maintenance of the NALC Building; they shall have the authority to appoint a Building Manager to whom they may delegate such power as they may deem advisable: they shall have control over all physical and financial assets, properly invest funds when such funds are available, maintain necessary records, submit for approval a monthly report to the Executive Council, and a biennial report to the National Convention. As Building Trustees, they shall serve without compensation.

Fiscal Committee

Sec. 2 (a). The Resident National Officers shall constitute the Fiscal Committee. Any three of the Resident Officers may serve as members of the Fiscal Committee.

(b). It shall be the duty of the Fiscal Committee to examine all bills submitted for payment and, if found to be correct, to approve them and authorize payment to be made. All bills shall be itemized. Any disapproved bills will be returned by the Secretary-Treasurer, who will furnish the reasons for disapproval.

Committee of Laws

Sec. 3. The President shall appoint three members of the Executive Council who shall be the Committee of Laws. The proposed by-laws of all subordinate Branches and State Associations, except those fixing the time and place of meetings, and the amount of initiation fees, dues, and reinstatement fees, shall be submitted for approval by this Committee. If they do not conflict with the constitution or laws of this Association, such by-laws shall be approved. By-laws and subsequent alterations or amendments made thereto shall not take effect until so approved. The Committee of Laws shall keep a record of date of approval of any by-laws or amendments or alterations to by-laws, together with the name and number of the Branch or State Association submitting the same, and shall make a full report thereof at the biennial meeting of the National Association.

Committee on Appeals

Sec. 4 (a). The Vice President, Secretary-Treasurer, and Chairperson of the Board of Trustees shall constitute the Committee on Appeals. They shall examine all appeals and grievances that may arise in the National Association, and all appeals and grievances that may be taken from a State Association, or from a Branch to the National Association, or between individual members thereof, except those involving questions of law upon which the National President has ruled, as may be referred to them in accordance with the laws of this Association. They shall notify the appropriate Branches, State Associations, the appellant, and the President of their decision. They shall make a written report summarizing their activities at

each National Convention.

(b). Any determination of the Committee on Appeals can be appealed by any aggrieved member, Branch, or State Association to the National Convention. To perfect such appeal, the aggrieved member, Branch, or State Association must, no later than sixty (60) days prior to the National Convention, file with the Committee on Appeals, by registered mail, a notice of appeal, together with a full written statement of the reasons why the appeal should be granted; if the decision of the Committee on Appeals is not rendered until sixty-five (65) days or less prior to the National Convention, the notice of appeal and statement of reasons must be filed as soon after receipt of the decision as is reasonably possible.

Committee on Credentials

Sec. 5. The Committee on Credentials shall examine the credentials of all delegates to the National Convention or special meeting of this Association, and make their report as soon as the convention or meeting has opened and they have passed upon all the credentials that have been presented to them, with supplemental reports being made in case of tardy delegates. They shall have the right to call for all papers in the possession of any officer or member of this Association when a protest is under consideration. They shall report all protests, together with their decision, to the Convention.

Committee on Mileage and Per Diem

Sec. 6. The Committee on Mileage and Per Diem shall compute and report to the National Convention the name, residence, and amount due each member eligible for mileage and per diem.

Convention Committee

Sec. 7. The National President shall appoint a committee to study and explore the feasibility of future convention cities desiring to be the host city. A report of the committee's finding, including whether or not the city is located in a right-to-work state, must be submitted to the Executive Council for its consideration.

Sec. 8. All formal actions by the standing committees between Conventions shall be in writing, signed by a majority, and shall be reported to the President and Secretary-Treasurer.

ARTICLE 12

Resolutions

Any Branch in good standing or any State Association may, at any time, forward to the National Secretary-Treasurer resolutions properly attested by their President and Secretary-Treasurer for consideration by the appropriate Union authority. Such resolutions must be in duplicate, and each shall be on a separate sheet of paper Resolutions, pertaining to the National Working Agreement, which should, insofar as possible, identify the Article and Section to be changed, shall be forwarded to the Chief Spokesman of the NALC Negotiating Team; those pertaining to legislation shall be forwarded to the NALC Director of Legislation; and all others shall be forwarded to the NALC Executive Council for their consideration and appropriate action. Those appropriate authorities shall report to the National Convention on all such resolutions and the action taken thereon.

ARTICLE 13

Mileage and Per Diem

Section 1. The National Association shall pay mileage to the President, Executive Vice President, Vice President, Secretary-Treasurer, Assistant Secretary-Treasurer, Director of City Delivery, Director of Safety and Health, Director of Retired Members, Director of Life Insurance, Director of Health Benefits, National Business Agents, and Board of Trustees.

Sec. 2. Per diem shall be paid to each officer as the National Association, while in session, may direct.

ARTICLE 14

Prohibitions

Section 1. Any Branch or any member of a Branch who shall cause to have introduced or endeavor to have passed in Congress any measures relating to legislation for letter carriers which can be proven beyond a reasonable doubt to be detrimental to the members of this association shall have charges, preferred against such Branch or member, and if proven guilty, such Branch or member, as the case may be, shall be expelled.

The National Association of Letter Carriers, State Association, Branch, or member shall make no law or rule in violation of Title I of the Labor-Management Reporting and Disclosure Act of 1959.

Sec. 2. No State Association or Branch of the NALC shall take any action binding themselves to any other organization by affiliation or otherwise, until the character and objects of this other body shall have been endorsed at a convention of the NALC or

passed upon favorably by a majority of the Executive Council.

Sec. 3. No State Association or Branch of the NALC, or officer or member of the Association, shall take any action or make any statement whose purpose is to destroy the NALC, encourage a rival to it, or bring about a violation of its legal or contractual obligations.

Sec. 4. No national, state, or branch officer, or member, or group of members, acting individually or in concert, shall call a strike or other work stoppage unless and until such action has been approved by the NALC Executive Council and/or the NALC National President.

Sec. 5. No full-time National Officer shall hold any office in any subordinate branch or State Association.

Sec. 6. No full-time elected or appointed National Officer shall receive more than one salary from the NALC.

ARTICLE 15

By-laws of Branches and State Associations

Each Branch or State Association may make, alter, or rescind such by-laws, rules, and regulations from time to time as may be deemed most expedient, providing they do not in any way conflict with this Constitution. By-laws of branches may be amended at any regular meeting of the branch, provided the amendment has been submitted in writing at the last previous regular branch meeting, and suitable notification to members shall be made at least ten (10) days before the regular meeting at which the

vote is to be taken. By-laws and amendments thereto, fixing the amount of initiation fees, dues, and reinstatement fees, or the time and place of meetings, shall become effective at the time determined by the Branch or State Association. All other by-laws must be submitted in duplicate to the Chairperson of the Committee of Laws and shall not become effective until approved by the Committee of Laws as provided in Article 11, Sec. 3, of this Constitution.

ARTICLE 16

Collective Bargaining

Section 1. Every member, by becoming or remaining a member of the Association, appoints the Association as his/her exclusive bargaining representative for purposes of entering into collective bargaining agreements with his/her employer, and for the resolution of any grievances or claims arising under such agreement. Each member agrees not to bring any action against the Association or any officer or representative thereof, for any act or omission by it in the exercise of its responsibility as his/her exclusive bargaining representative; provided, that such suit may be brought against the Association, or an officer or representative, if the Association or that officer or representative has been guilty of a deliberate breach of trust injuring the suing member.

The President shall appoint a Ballot Committee composed of fifteen (15) members from Branches in not less than fifteen (15) states.

Ratification shall be a mail referendum vote, and the ballot shall be mailed only to regular members of the NALC, as defined in Article 2, Section 1(a), excluding non-letter carrier regular members, as

shown by the records of the National Secretary-Treasurer as of ninety (90) days prior to the date that the proposed agreement is reached. The ballot shall provide only for the acceptance or rejection of the entire proposed agreement.

The Ballot Committee shall be called to National Headquarters by the National President, commencing with the conclusion of negotiations for the sole purposes of monitoring and observing the dispatch, receipt, and tabulation of the Ratification Ballot, and to determine the validity of challenged ballots, and of any objections to the conduct of the election.

Membership acceptance or rejection of a proposed National Agreement shall be by majority of valid ballots returned by the voters. When such majority votes to accept a proposed agreement, no other action shall be required of the Union membership. Suitable and timely notice of such results shall be made and certified to the membership by the Ballot Committee through *The Postal Record* and/or the *NALC Bulletin*.

When a majority of valid ballots returned by the voters rejects the proposed agreement, the Ballot Committee shall: (a) cause suitable and timely notice of such results to be furnished and certified to the membership through the pages of *The Postal Record* and/or the *NALC Bulletin*; and (b) furnish and certify the same information to the National President.

When the majority of total votes cast is for rejection, the NALC negotiators shall inform the USPS and reopen negotiations within five (5) days after the vote is tallied. If negotiations are not reopened, the NALC negotiators shall determine if there will be binding arbitration, an immediate work stoppage, or a designated job action. If negotiations are reopened,

they will not exceed a period of fifteen (15) calendar days, at which time a second ballot shall be mailed to each member for ratification or rejection. If the membership rejects this second ballot, then the National President will determine if there will be binding arbitration, an immediate work stoppage, or a designated job action.

Sec. 2. In the case of a nationally sanctioned work stoppage, the President shall issue no recall to work until a full and unconditional amnesty is granted to all participants in that work stoppage.

Sec. 3. Any National Collective Bargaining Agreement entered into between the NALC and USPS shall be ratified by the regular members who shall be non-supervisory employees in the Postal Career Service.

ARTICLE 17

Litigation

Section 1. The National Association is authorized, upon affirmative vote of the Executive Council, to pay all the expenses for investigating services, employment of counsel, and other necessary expenditures in any cause, matters, case, or cases where an officer, representative, employee, agent, or one charged with acting in behalf of the National Association is charged with any violation or violations of any law or is sued in any civil actions with respect to any matter arising out of his/her official duties; except if such officer, representative, employee, or agent is charged with a breach of his trust to the National Association or any subordinate body or member thereof, in which event he/she may be indemnified if the action is terminated favorably to

him/her.

Sec. 2. Neither the National Association nor any of its officers shall be responsible or liable for the wrongful or unlawful acts of any Branch or State Association, or officers, members, or agents thereof, except where the National Association or its officers have actually participated in or actually authorized such acts, or have ratified such acts after actual knowledge thereof.

Sec. 3. No branch shall institute litigation in any court against the United States Postal Service or any successor organization to enforce, set aside, or declare the proper interpretation of any provision of a National Agreement between the Association and the United States Postal Service, except with the written approval of the National President.

ARTICLE 18

Trusteeship

Section 1. (a). If the President has or receives information which leads him/her to believe that any of the officers of a Branch or other subordinate body are dishonest or incompetent, or that such organizations are not being conducted in accordance with the Constitution and laws of the National Association or for the benefit of its members, or are being conducted in such a manner as to jeopardize the interest of the National Association or its subordinate bodies, or if the President believes that such action is necessary for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures or otherwise carrying out legitimate objec-

tives of such subordinate body, the President may, upon the filing of charges, appoint a Trustee to take charge of and control the affairs of such Branch or other subordinate body with the powers set forth in Section 2 hereof; provided, however, that, before the appointment of such Trustee, the President shall set a time and place for hearing of the charges before a hearing officer appointed for the purpose of determining whether such Trustee shall be appointed, unless, in the judgment of the President, an emergency situation exists within the Branch or other subordinate body in which event the Trustee may be appointed prior to such hearing, but such hearing shall then commence within twenty (20) days and a decision shall be made by the President within sixty (60) days after the appointment of the Trustee as to whether the trusteeship should be continued. In either event, subsequent procedures shall be governed by Section 3 hereof.

(b). The President shall have the power, when in his/her judgment it is appropriate to remove the Trustee he/she has appointed and to appoint a different Trustee in his/her stead. If the President exercises this power, he/she shall so notify in writing the new Trustee, the replaced Trustee, and the Branch or subordinate body involved. The officers who conduct the hearing pursuant to Section 3 hereof shall not be eligible to be a Trustee of that Branch or subordinate body.

Sec. 2 (a). The Trustee shall be authorized and empowered to take full charge of the affairs of the Branch or other subordinate body, to remove any or all officers and appoint temporary officers at any time during his/her trusteeship, and to take such other action as in his/her judgment is necessary for the

preservation of the Branch or other subordinate body and its interests. The terms of office of officers so removed shall terminate as of the date of removal, unless they are otherwise absolved. The Trustee shall report from time to time on the affairs and transactions of the Branch or other subordinate body to the President. His/her acts shall be subject to the supervision of the President. The President may remove Trustees at any time and may appoint successor Trustees.

(b). The removed officers shall turn over all moneys, books, and properties of the Branch or other subordinate body to the Trustee, who must receipt for the same.

(c). Temporary officers and Trustees must be members in good standing of the National Association. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.

Sec. 3 (a). In all cases, a copy of the charges, together with a notice setting the time and place of hearing, including the name of the hearing officer who shall not be a member of the Branch or subordinate body involved, or the Trustee, shall be served on the Branch or other subordinate body at least ten (10) days, Sundays and holidays included, prior to the hearings by serving either the President, the Financial Secretary, or any two members of the Executive Council of the Branch or other subordinate body, personally or by registered or certified mail.

(b). The hearing officer shall make his/her report and recommendations to the President within ten (10) days after the hearing or date of receipt of the

transcript, and the President shall make his/her decision within ten (10) days of receipt of the report and recommendations, and such decision shall be immediately communicated to the Branch or other subordinate body involved. Appeals from such decision may be taken to the Executive Council within thirty (30) days upon the record made before the Hearing Officer; provided, however, that the decision of the President shall be effective for all purposes during the pendency of such appeal. Appeal from the Executive Council's decision may be taken to the Convention in accordance with Article 11, Sec. 4.

(c). The Trustee shall make a report to the President at least every three (3) months on the operation of the trusteeship. Either upon his/her own motion or upon a petition tiled by a member or members of the Branch or other subordinate body for the restoration of self-government the President may, in his/her discretion, accord a hearing to be held on the petition before the President or his/her representative upon proper notice. A decision shall be rendered within sixty (60) days of such hearing. No such petition shall be entertained, however, prior to six (6) months after the appointment of the Trustee.

(d). If the President determines, either upon his/her own motion or after hearing, that self-government should be restored, the Trustee shall direct nomination and election of officers at such time and place as he/she determines, provisions of the Constitution of the Branch or other subordinate body's rules and bylaws to the contrary notwithstanding.

ARTICLE 19

Referendum and Amendments to the Constitution

Section 1. The Constitution and Laws of the National Association cannot be altered or amended at a Convention or special meeting except by a majority vote of all members present and voting; provided, that any proposition or amendment which has been approved, disapproved, adopted, or rejected by a referendum vote of the membership cannot be approved, disapproved, adopted, or rejected except by a referendum vote of the membership.

Sec. 2. Proposed amendments to the Constitution of the NALC, the Constitution for the Government of Subordinate and Federal Branches, and the Constitution for the Government of State Associations may be presented in writing in the manner herein set forth: (a) by any member of a Branch in good standing, signed by him/her, at a regular meeting of the Branch; providing, the proposal is endorsed by two-thirds of the members present and voting at the meeting; and (b) by any member of the NALC Executive Council, signed by him/her, at a regularly-called meeting of the Executive Council; provided, the proposal is endorsed by two-thirds of the members of the Executive Council present and voting at the meeting. Proposals thus qualifying shall be forwarded to the National Secretary-Treasurer in duplicate, each on a separate sheet of paper, at least sixty (60) days prior to the Convention, signed by the Branch President and Secretary. and in the case of the Executive Council by the Chairperson and Secretary thereof. These proposed amendments shall be printed in the official

Journal of this Association at least 30 days prior to the National Convention. All proposed amendments to the Constitution and Laws shall designate the Article and Section to be amended, and shall be referred to the Executive Council, and be reported by them before being acted upon by the Convention. Said word acted to be interpreted as meaning altering, amending, or changing in any manner whatsoever by a majority vote of the Convention.

Sec. 3. Any resolution or amendment which shall have been passed at a meeting of the Association shall, upon the written request of not less than 10 percent of the Branches aggregating not less than 10 percent of the membership of the National Association of Letter Carriers as shown by the records in the office of the National Secretary-Treasurer on January 1 of the current year, be referred to all the Branches of this Association for their approval or rejection, a majority of all votes cast being necessary to repeal said amendment or resolution.

Sec. 4. This National Association in convention assembled may, by a majority vote, refer any resolution or amendment to the Constitution to the various Branches for a vote.

Sec. 5 (a). Propositions submitted for a referendum vote of the membership may be initiated by any Branch in good standing or by the NALC Executive Council; provided, that the proposal receives the endorsement of at least 10 percent of the Branches having an aggregate membership of at least 15 percent of the members of the National Association of Letter Carriers as shown by the records of the National Secretary-Treasurer on January 1 of the current year, said Branches to be located in not less than 15 states. The endorsement of any proposal shall be

by vote of the Branches signed by the Branch President and Secretary at least six (6) months prior to a biennial meeting of the National Association.

(b). Such petition shall, after being filed and verified, be printed in the current issue of *The Postal Record*. No more than four pages in each of the next two succeeding issues of *The Postal Record* shall be allowed for arguments pro and con on the proposed amendment or proposition. Such arguments are to be in the hands of the National Secretary-Treasurer not later than the fifth day of the second month following the printing of the petition. The call for a vote on said amendment or proposition shall be signed by the National President and National Secretary-Treasurer, and the amendment or proposition so stated that a yes or no vote can be registered.

(c). Immediately after the arguments pro and con appear in both issues of *The Postal Record*, the National Secretary-Treasurer shall furnish separate ballots in sufficient numbers to each Branch secretary for distribution, and it shall then be the duty of the secretary of each Branch to solicit the returns of the ballots, which shall be secret, with the vote marked thereon. The result of said vote shall be sent to the National Secretary-Treasurer within 60 days following the receipt of the blank ballots. All ballots shall be the property of the Branch after being voted, and shall be filed by the secretary for a period of not less than one year. The result of the vote by city and Branch shall be printed in *The Postal Record*, and if a majority of the members voting favor said amendment or proposition, it shall become immediately operative, unless otherwise specified: provided, that not less than 50 percent of the total membership of the National Association of Letter Carriers shall have

voted on the proposed amendment or proposition submitted for a referendum.

(d). After a proposition or amendment has been once placed before the membership of the NALC for a vote, it shall not again be submitted for referendum action within one year.

Sec. 6. All amendments to this Constitution shall unless otherwise provided for, take effect immediately.

ARTICLE 20

Effects of Declaration of Invalidity

If any provision of this Constitution, or the Constitution for the Government of Subordinate and Federal Branches, or the Constitution for the Government of State Associations, shall be declared invalid or inoperative by any competent government authority, the Executive Council shall have authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will meet the objections to the validity and which will accord to the fullest extent practicable with the objectives of the original provision. Whenever the Executive Council exercises the powers granted herein, notice of the Constitutional change made shall be given in *The Postal Record*. If any provision of this Constitution, the Constitution for the Government of Subordinate and Federal Branches, or the Constitution for the Government of State Associations shall be declared inoperative or invalid by any competent government authority, the remainder of that Constitution, or the application of such provision to persons or circumstances other than those as to which it has been held invalid shall not be affected thereby.

ARTICLE 21

Order of Business, National Convention

Section 1(a). On the second day of the Convention (Tuesday), Constitutional Amendments shall be the first order of business. No other business shall be brought before the Delegates until all proposed Constitutional changes have been voted upon by the Delegates who shall be in Executive Session.

(b). On the third day of the Convention (Wednesday), or right after the proposed Constitutional changes have been voted on, the Retirees resolutions and any other business pertaining to retirees or retirement shall be taken care of.

ARTICLE 22

Health Plan Members

Section 1. Notwithstanding the provision in Article 2, there shall be a health plan type of membership which shall include any active or retired employee of the United States government and of the District of Columbia government (except a non-supervisory employee of the United States Postal Service), and supervisory employees in the Postal Career Service. In addition, health plan membership under this Article shall be available to the following categories of retirees from the Postal Career Service: (a) non-supervisory employees who were not regular members at the time of retirement; (b) non-supervisory employees who were regular members at the time of retirement but subsequently did not maintain membership under Article 2; and (c) employees who were in supervisory status at the time of retirement.

Sec. 2. A health plan member shall be a member

only for the purpose of enrollment in the NALC Health Benefit Plan and shall not have a voice or vote in any of the affairs of the NALC or its Branches, nor he eligible to hold any office in, or attend meetings of, the NALC or its Branches; nor be entitled to any services provided by the NALC or its Branches to other members, except services and benefits provided by the NALC Health Benefit Plan to its enrollees.

Sec. 3. Each health plan member who is a supervisory employee in the Postal Career Service must pay full national and state per capita taxes and, in addition, the prevailing dues of the branch which has jurisdiction over the zip code area where the member actually works. Each health plan member who is not a supervisory employee of the Postal Career Service shall pay directly to the National Association per capita tax of \$36 per annum or fraction thereof, payable on the date enrollment in the NALC Health Benefit Plan is effective, and on each January 1 thereafter during continuance of the enrollment. Health plan membership shall be terminated if per capita tax payment is not made within 60 days of the due date.

Sec. 4 (a). For the advancement of the NALC Health Benefit Plan, twelve dollars (\$12.00) of the per annum per capita tax paid by a Health Plan member shall be paid by the National Association to the Branch which has jurisdiction over the zip code area where the member works, or, if retired, the zip code area where the retired member lives.

(b). Two dollars of the per annum, per capita tax paid by a health plan member shall be paid by the National Association to the NALC Health Benefit Plan.

(c). Five dollars of the per annum, per capita tax paid by a health plan member shall be paid by the

National Association to the State Association in the state in which the member works, or, if retired, the State Association in the state in which the retired member lives.

CONSTITUTION

for the

Government of Subordinate

and Federal Branches

PREAMBLE

For the purpose of effecting uniformity in the administration of its privileges, honors, and benefits, the National Association of Letter Carriers, in convention, ordains the following Constitution for the government of Branches under its jurisdiction.

ARTICLE 1

Name and Object

Section 1. This Branch shall be known as _____ Branch No. _____ of the National Association of Letter Carriers of the United States of America.

Sec. 2. The objects of this Branch are to unite all employees who are eligible for membership under Article 2, Section 2, of the National Constitution into one harmonious body for their mutual benefit, and to assist the National Association of Letter Carriers in its efforts to improve the condition of its entire membership.

ARTICLE 2

Membership

Section 1. Application for membership must be made in writing, signed by the applicant, stating age, social security number, place of residence, and such other information as may be determined by the Branch. A Form 1187 (Dues Check-off) must be signed by all applicants seeking a membership in the Branch and the NALC.

Sec. 2. Any regular branch member on tendering a written resignation of membership and paying all fines, assessments, and dues shall receive from the Secretary a certificate thereto. Such certificate shall be proof of good standing at the time of resignation.

Sec. 3 (a). Any regular branch member in good standing in his/her Branch, moving his/her employment to another city, or retiree in good standing in his/her Branch moving to another city, may transfer membership to the Branch located in such city.

(b). The membership of an active member shall be transferred in accordance with procedures established by the Secretary-Treasurer of the National Association.

(c). In the case of a retiree member seeking to transfer membership, [h]e/she shall make application to the Recording Secretary of his/her Branch, who shall ascertain from the Financial Secretary if all dues and assessments charged against him/her on that date are fully paid; if so, it shall be the duty of the Recording Secretary to announce at the next regular meeting of the Branch that the application has been received and all obligations discharged. There being no objections, the Recording Secretary will at once forward to the Recording Secretary of the Branch

with which affiliation is desired, a letter of recommendation. The letter shall be read at the first regular meeting of the receiving Branch held after its receipt and the transferred individual shall be considered a member at that time. The Recording Secretary of the Branch shall then notify the Recording Secretary of the original Branch that the transferee has been received into membership.

ARTICLE 3

Meetings

Section 1. The regular meetings of the Branch shall be held not less than once a month, at such time and place as may be designated in the Branch bylaws. Each Branch, with prior approval of its membership, shall have the option of only meeting ten (10) times per year.

Sec. 2. Special meetings shall be called by the President upon the written request of members (number to be determined by the Branch) in good standing or by vote of the Branch and notification of such meetings, stating the object of the call shall be given the members by the Recording Secretary as directed by the Branch or as required by the by-laws.

Sec. 3. No business shall be transacted at a special meeting other than that for which it may have been called.

Sec. 4. The Branch shall be called to order at the time prescribed in the by-laws if a quorum be present.

Sec. 5. In the absence of the President and Vice-President, any member in good standing may be elected to preside by a majority of those present.

ARTICLE 4

Officers

Section 1. The officers of the Branch shall be a President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Sergeant-at-Arms, a Health Benefits Representative, and a Board of Trustees composed of either three or five members. The Branch may provide for additional elective offices in its by-laws. Branches may provide in their by-laws for the inclusion of Stewards on the executive board.

Sec. 2. All officers shall be elected for a term of one (1), two (2), or three (3) years, at the option of the Branch, or until their successors are duly elected and installed. With the exception of the office of the President, which is expressly provided for in Article 6, Section 2, herein, Branches may make provision in their by-laws for succession to the offices of all other officers in the event of death, resignation, disqualification, refusal or neglect of such officers to discharge the duties of their office. If no such provision is made, the Branch President may appoint the successor until the next regular Branch election.

Sec. 3. With the exception of the office of President, Branches may consolidate the offices of the Branch. However, if there are less than ten (10) active members, the office of President may be combined with other offices.

Sec. 4. Branches at their option may require all candidates for office or delegate to be present at the meeting when nominated, or signify in writing their willingness to serve if elected.

Sec. 5. Branches having members in two or more

stations may make provisions in their by-laws for station delegates, representatives, or shop stewards to be appointed or elected, within the respective stations as the Branch may be determined, and whose duties shall be to guard the interests of the Branch in their particular station under the direction of the Branch or its officers.

ARTICLE 5

Elections

Section 1. The provisions of this Article shall govern the election for all Branch officers or other elected Branch positions.

Sec. 2. All regular members shall be eligible to hold any office or position in the Branch, except that a member who voluntarily or otherwise, holds accepts, or applies for a supervisory position in the Postal Career Service for any period of time, whether one (1) day or fraction thereof, either detailed, acting, probationary or permanently, shall immediately vacate any office held, and shall be ineligible to run for any office or other position for a period of two (2) years after termination of such supervisory status. Upon nomination, the candidate must verify that he or she has not served in a supervisory capacity for the 24 months prior to the nomination.

Sec. 3. All regular members shall be entitled to one vote for each office or position to be filled. However, station delegates, representatives, or shop stewards shall be elected only by the regular members within the station or area they represent.

Sec. 4. Election of officers shall take place at a time prescribed by the Branch by-laws. No less

than 45 days before each election, the Secretary shall mail to every member notice of the election, stating the offices for which election shall be had and the time, place, manner for nomination and election. For purposes of this provision, the requirement that notices be mailed may be satisfied by timely publication of the notice in *The Postal Record*, or in State or Branch publications that are mailed to the last known address of the member.

Sec. 5 (a). Every regular member shall have the right to nominate a candidate for any office or position to be filled.

(b). Each candidate shall be nominated at a regular or special meeting of the Branch not less than four (4) weeks before the date of the election, but not less than 10 days after the notice of nomination and election has been sent out. A Branch may, however, provide in its by-laws that nominations may be made in writing, with the nominations to be received by the Secretary not less than 30 days before the date of the election.

(c). Elections shall be by secret ballot. When there are two or more candidates for any office, the election shall be by ballot and the plurality of all votes cast for such office shall be necessary to elect. There shall be no write-in votes for candidates not officially on the ballot. Any such write-in shall not be counted, but will not invalidate the rest of the ballot. Each eligible regular member shall be entitled to one vote for each position to be filled. When there is but one candidate for any office, the President may declare that such person has been elected. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the counting of

the votes and at any polling place. The election may be held at a regular meeting of the Branch, or a Branch may provide in its by-laws that ballots may also be cast at each station not more than seven (7) days, nor less than one (1) day before the regular meeting, or that the election may be by a secret mail ballot. Whenever such elections are conducted by mail ballot, the last date on which ballots must be received in order to be counted shall be considered to be the date of the election. The Recording Secretary shall preserve for one year the ballots and all other records pertaining to the election.

Sec. 6. Installation of Branch officers shall take place at the first or second meeting of the Branch following their election and shall be by such ceremony as the National Association may provide. Any National officer, a Past President of the National Association, a President or Past President of a State Association, shall act as Installing Officer provided that in their absence any officer of a State Association or the Past President of a Branch may act as such.

ARTICLE 6

Duties of Officers **President**

Section 1. The President shall preside at all meetings of the Branch; preserve order; sign all warrants on the Treasurer ordered drawn by the Branch, and all other papers ordered by the Branch; have general supervisory powers over the Branch; see that officers perform their duties, enforce the

Constitution, By-Laws, Rules and Regulations of the Branch; appoint all committees not otherwise provided for; give the deciding vote when a tie occurs; examine and announce the result of all balloting and other votes. He/she shall not make or second any motion or take part in any debate while in the Chair; he/she shall ascertain from the Financial Secretary before adjournment of the meeting the amount of money received since the previous meeting, and from the Treasurer if he/she has received the same. At the end of his/her term, he/she shall make a report showing the progress and condition of the Branch.

He/she shall, together with the Treasurer, sign and file with the Secretary of Labor on behalf of the Branch, an annual financial report if required by public law. The filing of such report will be required unless the Branch has received express notification from the National Association that it is exempt from such requirements.

He/she shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members.

Vice President

Sec. 2. The Vice President shall preside in the absence of the President, and in case of death, resignation, disqualification, refusal or neglect of the President to discharge the duties of his/her office, the Vice President shall then perform all duties incumbent upon the President for the remainder of the term of office. However, a Branch with an Executive Vice-President may provide in its by-laws that the Executive Vice President shall succeed to the Presidency.

Recording Secretary

Sec. 3. The Recording Secretary shall keep a correct record of the proceedings of the Branch in a book to be kept for that purpose. He/she shall draw all warrants on the Treasurer ordered by the Branch. He/she shall notify applicants for membership in writing of their election or rejection, and members of their suspension, expulsion or acceptance of resignation. He/she shall report to the National Secretary-Treasurer immediately the suspension, expulsion, or reinstatement of a member. He/she shall attend to all correspondence of the Branch, and properly mark and file all papers ready for inspection at any time, and notify the members of special meetings when ordered by the President. He/she shall make semi-annually a report to the Branch showing the number of members elected, rejected, initiated, suspended, reinstated, with-drawn, and the number of deaths, giving date of death; also, the receipts, benefits paid, amount expended, and amount on hand. Within one week after his/her term expires, or upon an earlier termination thereof, he/she shall deliver to his/her successor all books and papers together with all other property of the Branch in his/her possession.

Financial Secretary

Sec. 4. The Financial Secretary shall keep a record book showing the names of members, when admitted and place of residence, collect dues and all other moneys due the Branch, keep a regular account thereof, and at each meeting (or prior thereto whenever the prompt payment of the National per

capita tax or other necessity may require same) pay the same to the Treasurer, take his/her receipts and retain them as vouchers in settlement. He/she shall personally, or through duly authorized deputies appointed when necessary for each station, and who shall whenever practicable be the station delegate or representative selected or appointed to represent the station, solicit payment from all members in arrears, and on the day of an election and before a ballot taken, furnish the President with a list of members not entitled to vote. He/she shall semi-annually furnish the National Secretary-Treasurer with a list of names of all the members of the Branch in good standing and shall notify the National Secretary-Treasurer monthly of the election of new members, also those suspended, expelled, deceased or resigned. He/she shall keep an account of all properties, investments, and funds of the Branch which at all times shall be open for inspection, and at the end of his/her term make a report, and deliver to his/her successor in office, when qualified, all the books, papers and property in his/her possession belonging to the Branch. To insure the faithful performance of their duties, the Financial Secretary and his/her deputies shall be bonded in such amount and in such manner as the Branch may direct.

Treasurer

Sec. 5. The Treasurer shall receive, receipt for, and disburse all moneys of the Branch, and keep a regular account thereof. He/she shall pay all warrants drawn on him/her by the Recording Secretary voted by the Branch and signed by the President, and have all accounts receipted upon payment of the

same. He/she shall, whenever requested by the President, and at the end of his/her term, make a report showing his/her receipts, disbursements and amount of money on hand; deliver his/her books, papers and money to his/her successor in office when qualified; and to insure the faithful performance of his/her duties, he/she shall be required to furnish a bond in such sum as the Branch may direct.

Sergeant-at-Arms

Sec. 6. The Sergeant-at-Arms shall preserve order in the meeting under the instruction of the President. It shall be his/her duty to see that none but members are present at the meetings unless directed by the President or a vote of the Branch.

MBA Representative

Sec. 7. The MBA Representative shall perform such duties as the Constitutions and Laws of the MBA require. He/she shall, whenever requested by the President and at the end of his/her term, deliver any MBA moneys in his/her possession, books or other papers to his/her successor in office, when qualified; and to insure the faithful performance of his/her duties, he/she shall be required to furnish a bond in such sum as the Branch may direct.

Health Benefits Representative

Sec. 8. The Health Benefits Representative shall perform such duties as the Constitution and Laws of the National Association of Letter Carriers Health Benefits Plan require. He/she shall, whenever

requested by the President, and at the end of his/her term, make a report showing his/her receipts, disbursements and amount of money on hand; deliver his/her books, papers and money to his/her successor in office, when installed and to insure the faithful performance of his/her duties, he/she shall be required to furnish a bond in such sum as the Branch may direct.

Trustees

Sec. 9. The Trustees shall examine and report to the Branch the condition of the books of the officers at least once every six months, compare the vouchers and records and see that they correspond with the collections and disbursements. They shall have custody of all Branch property, and shall perform such other duties as the Branch by-laws may require of them. The Board of Trustees shall be known as the Trustees of _____ Branch No. _____ of the National Association of Letter Carriers of the United States of America.

Additional Duties

Sec. 10. In addition to the duties assigned to each officer, he/she shall perform such other duties as the Branch may from time to time direct.

ARTICLE 7

Fees, Dues, Fines and Assessments

Section 1. Initiation fees and dues shall be fixed in the by-laws and payable in advance, provided that regular members with 50 years membership shall be

exempt from the payment of dues, fines and assessments.

Sec. 2. The rates of dues and initiation fees may be increased only by majority vote by secret ballot of the regular members in good standing at a special or regular meeting after reasonable notice has been given that this question will be before the meeting, except that a Branch may provide in its by-laws that such majority vote may be had by secret ballot referendum. The same rules of procedure shall apply to the levy of a special or general assessment and to the imposition of fines upon members found guilty of charges preferred against them, except that such assessments or fines must be approved by a two-thirds vote.

Sec. 3 (a). Any member leaving the Postal Career Service for any reason other than retirement or OWCP, or any member temporarily or permanently promoted to a supervisory position within the U.S. Postal Service, may retain membership only in accordance with Art. 2, Sec. I—NALC Constitution.

(b). Branches may exempt or remit the dues of any member under reasonable rules uniformly applied for a stated period of time. Branches may provide for the payment of dues in advance for any period in excess of one month.

Sec. 4. Any member failing to pay any fine, assessment or monthly dues within thirty (30) days after the same shall become due, shall forfeit his/her membership. He/she shall vacate any office held in the Branch or Association, effective on the date of such forfeiture. He/she shall not be entitled to vote in the Branch, and he/she shall not be eligible for nomination or election to any office; provided, that the

Branch for good and sufficient reasons, under reasonable rules uniformly applied, may extend the thirty (30) day grace period for not more than an additional sixty (60) days.

Sec. 5. A former member whose membership has been forfeited may be reinstated by the payment of back fines, assessments and dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied.

ARTICLE 8

Sick Relief and Funeral Benefits

Branches may, at their option, make provision in their by-laws for the payment of sick relief or funeral benefits, enact by-laws for the government of same and levy additional dues for such purposes, but no Branch shall make it mandatory upon members or applicants for membership to pay such additional dues or take up such benefits in order to retain membership or become members of said Branch.

ARTICLE 9

Committees

Section 1. The president of the Branch shall appoint a committee of _____ (the number to be fixed by the Branch) on organization. Such committee shall work in conjunction with and subordinate to the National Executive Council to secure such benefits as the National Association may desire.

Sec. 2. There shall be a committee (appointed by the President) consisting of three members to whom

all bills and claims against the Branch shall be referred before being acted upon by the Branch.

ARTICLE 10

Charges

Section 1. Any member of the Branch who shall violate the Constitution or By-Laws of the Association or Branch may have charges preferred against him/her, and if such charges are proved shall be fined, reprimanded, suspended or expelled as the laws may direct or the Branch determine. Any officer of the Branch who shall fail or neglect to discharge the duties of his/her office, or who may be guilty of gross misconduct, may be removed from office. These determinations shall be made by the members present and voting at the next regular Branch meeting after which said charges were read to the Branch. The vote regarding any of the above matters may be continued once, by motion, to the following regular Branch meeting.

Sec. 2. Charges must be made in writing, specifying the offense, failure, neglect, or misconduct so as to fully apprise the member or officer of the nature thereof, and shall be signed by a member of the Branch; and a copy of said charges, under seal of the Branch, shall be served upon himlher. Said charges shall be read by the recording secretary at the first regular Branch meeting after service on the member or officer.

Sec. 3. The president, or if the president be the person against whom charges are made, the vice president, shall then appoint a committee of three disinterested members, who shall forthwith sum

mon the parties, hear and take down or cause to be taken down or recorded, the testimony and/or documentary evidence presented. It shall be the duty of the committee to find the true facts and report to the Branch. The parties are entitled to be heard by the committee, to present evidence, and to cross-examine all witnesses who make statements to the committee, but rules of evidence and rules of judicial procedure need not be observed. The committee, after completing its fact-finding duty will present to the Branch a written report of the facts elicited, and immediately thereafter disband and be eligible to vote. The Branch shall then decide, by simple majority vote, the issue of whether or not the facts, as found by the committee, sustain the charge. The charged party is entitled to defend himself/herself before the Branch immediately before the vote is taken. If the Branch decides that the facts sustain the charge, then the Branch shall entertain a motion to fix the penalty, if any be required.

Sec. 4. Questions of expulsion or removal from office shall be decided by ballot, and require a two-thirds vote. If less than two-thirds of the ballots are for expulsion or removal from office, the Branch shall proceed to determine whether the punishment shall be suspension, fine or reprimand. A fine and the amount thereof must be approved by a two-thirds secret ballot vote. If suspension be determined upon, the Branch shall fix the term of suspension. If reprimand be determined upon, the President or the Vice President, if the President be the person against whom the charges were made, shall reprimand the accused in open meeting.

Sec. 5. During the suspension for an offense, a member is not exempt from dues, and he/she shall

be subject to all the penalties of Article 7, Section 4, for the non-payment of the same.

Sec. 6. Any member or officer suspended for any offense shall be reinstated on the removal of the cause and the payment of all demands against him/her, or at the expiration of the term for which he/she was suspended, without action of the Branch, and the president or vice president, as the case may be, shall declare in open meeting his/her reinstatement. This provision does not apply where the member is suspended pursuant to charges brought by the National Association or by any officer or representative by authority of the President or Executive Council of the National Association.

Sec. 7. An expelled member can be reinstated only after the manner of a new applicant.

Sec. 8. Any National, State, or Branch Officer or member of a Branch who, having first been charged under this Article with using or attempting to use the Branch, or any portion of it, or his/her influence therein, for political purposes, is determined by the Branch in accordance with the procedures prescribed in this Article to be guilty of the charge, shall be guilty of perfidy and shall suffer expulsion.

ARTICLE 11

Appeals

Section 1. An appeal may be taken to the president from the decision of any other officers of the Branch and to the Branch from any decisions of the president, which appeal must be taken at the meeting at which the subject appealed from is under consideration, and before any other business is taken up for

action; and any member considering that an injustice has been done him/her by a decision of the Branch, may appeal in writing to the Committee on Appeals of the National Association.

Sec. 2. When an appeal from the action of the Branch is taken, the following rules must be observed:

First: The appeal must be in writing and filed with the recording secretary of the Branch, together with any written testimony, arguments and briefs, within twenty days from the date of the Branch meeting at which the decision to be appealed from was made.

Second: The recording secretary shall submit, and read to the Branch at its next regular meeting following the receipt of the appeal, the notice of intention to appeal, the appeal and all written testimony, arguments, briefs, and evidence submitted by the appellant.

Third: The Branch shall then be allowed twenty days to prepare its reply which shall be in writing with the seal of the Branch attached thereto.

A copy of this reply shall be immediately transmitted by the recording secretary to the appellant. The recording secretary shall also immediately transmit the appeal, together with all testimony, arguments, briefs, and evidence submitted by the appellant and the reply of the Branch thereto via registered mail, to the Chairperson of the Committee on Appeals of the National Association. Either party to an appeal from a decision of the Branch to the Committee on Appeals of the National Association may, if dissatisfied with the decision, appeal to the National Convention of the National Association of Letter Carriers, in accordance with

the procedure set out in Article 11, Section 4 of the National Constitution.

ARTICLE 12

Funds

Section 1. All funds of the Branch shall be deposited in such bank or savings institution as the Branch may determine; provided, that the Treasurer may retain a sum not to exceed \$_____ (the amount to be fixed by the Branch) in his/her hands for current expenses.

Sec. 2. No money shall be paid out by the Treasurer except on a warrant ordered by the Branch and signed by the President and Secretary; provided, that it shall be the duty of the President and Secretary to issue a warrant in favor of the National Secretary-Treasurer in payment of the semi-annual per capita tax promptly after the 1st of July and the 1st of January, respectively.

Sec. 3. All funds shall be devoted to such uses as the Branch may determine; provided, that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting; provided further, that Branches may make provision in their by-laws allowing officers to spend a certain sum of money between Branch meetings in cases of emergency.

ARTICLE 13

Indemnification

The Branch is authorized, upon affirmative vote of the membership, to pay all the expenses for investigating services, employment of counsel, and

other necessary expenditures in any cause, matter, case or cases where an officer, representative, employee, agent or one charged with acting in behalf of the Branch and/or its affiliates is charged with any violation or violations of any law, or is sued in any civil actions with respect to any matter arising out of his/her official duties except if such officer, representative, employee or agent is charged with a breach of his/her trust to the Branch or any subordinate body or member thereof. This provision does not apply to suits brought against the Branch or any of its officers, representatives, and agents by the National Association.

ARTICLE 14

Amendments

This Constitution shall not be altered or amended except in the manner provided for the alteration or amendment of the Constitution of the National Association of Letter Carriers.

ARTICLE 15

Order of Business

1. Roll Call.
2. Reading of Minutes of Previous Meeting.
3. Reading of Communications, Notices, Bills, etc.
4. Application for Membership.
5. Balloting for Candidates.
6. Initiation of Elected Candidates.
7. Reports of Standing and Special Committees.
8. MBA.
9. Health Benefit Plan.

10. Unfinished Business.
11. New Business.
12. Good of the Association.
13. For the Improvement of the Service.
14. Financial Secretary's Report of Receipts.
15. Treasurer's Report of Expenditures.
16. Adjournment.

A subordinate Branch may, at its discretion, by a majority vote, change its regular order of business so that unfinished business and new business shall precede the reports of Standing and Special Committees.

CONSTITUTION

of the

Government of State

Associations

PREAMBLE

In order to effect uniformity in the administration of the rights, benefits, and privileges of State Associations, and to enable them to be of greater assistance to the National Association through harmony and unity of purpose, the National Association of Letter Carriers in convention assembled hereby ordains the following Constitution for the Government of State Associations under its jurisdiction.

ARTICLE 1

Name and Object

Section 1. This Association shall be known as the State Association of Letter Carriers.

Sec. 2. The objects of this Association are to assist the National Association of Letter Carriers in maintaining a more perfect organization and improving the Postal Career Service; to organize all letter carriers within the State; and to guide and

direct all activities relating to legislation within the States. This Association shall have the authority to coordinate with the National Business Agent regarding seminars and training schools on State, District, and Branch levels, which shall be financed by the NALC and directed by the National Business Agent.

Effective September 1, 2006, State Association financial resources previously expended on seminars and training shall be expended in pursuance of and consistent with the object stated above: "to guide and direct all activities relating to legislation within the states."

ARTICLE 2

Membership

Section 1. Membership of this Association shall be composed of all members in good standing in the National Association of Letter Carriers within the geographical boundaries of their respective State.

Sec. 2. State Associations, at their option, may establish District Associations within their State. Such District Associations shall be subject to the bylaws of the State Association.

ARTICLE 3

Meetings

Section 1. This Association shall meet at least once every two years, at such time and place as may be designated in the by-laws or decided upon by a majority vote at a previous session unless conditions should arise which require a change in the date and

place decided upon or designated, when the President and Executive Board shall have authority to make such change of time or place and report same through the Secretary.

Sec. 2. Special meetings shall be called by the President upon the written request of not less than one-half of the Branches representing not less than one-fourth of the membership of this Association. The Secretary shall notify by letter each Branch entitled to representation in this Association, stating the object of the call. This meeting shall transact no business other than that stated in the call.

Sec. 3. _____ delegates representing at least _____ Branches shall constitute a quorum for the transaction of business, but less than that number may adjourn to meet at some future specified time.

ARTICLE 4

Revenue

Section 1. Each member shall pay to this Association a per capita tax of _____, payable annually in advance on December 31 or semiannually in advance on December 31 and June 30, as the State Association may determine; provided, that members whose dues are checked-off pursuant to a collective bargaining agreement need not advance their per capita tax, but shall pay them by the method determined in the check-off agreement.

Those who have had 50 years membership in the National Association shall be exempt from such payments. State Associations, furthermore, may provide in their by-laws to waive, or provide for, lower per capita tax payments for retirees.

Sec. 2. Any member failing to pay per capita tax within thirty days after the same shall have become due, shall forfeit his/her membership; provided, that the State Association for good and sufficient reasons under reasonable rules uniformly applied may extend the thirty (30) days grace period for not more than an additional sixty (60) days.

ARTICLE 5

Representation and Vote

Section 1. Those who shall be entitled to a voice and one vote only in the meetings of this Association shall be its officers, delegates, and Delegates-at-Large.

Sec. 2. The basis of representation and basis and method of vote, including voting for officers and Delegates-at-Large and Alternate Delegates-at-Large, shall be such as may be determined by this Association in Convention assembled.

Sec. 3. Election of delegates to the State Association Convention shall be conducted in accordance with Article 5 of the National Constitution.

Sec. 4. The number of members who pay per capita tax to this Association for the term beginning January 1 prior to the Convention shall determine the number of votes to which a Branch is entitled.

Sec. 5. At the regular election of delegates, the Branch shall also elect the same number of alternates as there are delegates elected, who shall be recognized as the alternates in the event of the inability of any delegate to attend a Convention or a special meeting of this Association; provided, that the alternate who received the highest number of votes shall

be assigned to act instead of any one delegate who is unable to attend such meetings and when more than one delegate is unable to attend such meetings, alternates shall be assigned in accordance with the number of votes cast for each one in the election, and shall be certified in such numerical order to act in their stead. Any vacancy in the office of delegate or alternate may be filled by the Branch. An alternate delegate before being admitted to the meetings of this Association shall present, together with his/her certificate of election, written evidence from the Secretary of his/her Branch or from the delegate for whom he/she was elected alternate, that the delegate is unable to attend the meeting.

Sec. 6. A delegate cannot be admitted to the meetings of this Association who is in arrears either to this Association or to the National Association of Letter Carriers.

ARTICLE 6

Officers

Section 1. The elective officers of this Association shall be a President, Vice President, Secretary, Treasurer, Director of Education, and Executive Board of five or more; provided, however, that any State Association may combine the offices of Secretary and Treasurer, in which case the duties of the Secretary-Treasurer shall be as outlined in Sections 3 and 4 of Article 8. Additionally, the Association may provide in its by-laws to combine the office of Director of Education with any other elective office. The Association may provide for additional elective offices in its by-laws.

Sec. 2. Any regular branch member in good standing shall be eligible for any office of this Association; provided, however, that the Association may provide in its by-laws for the election of Executive Board Members by District, with each District electing its own Executive Board member.

Sec. 3. This Association shall also elect at its regular Convention following the National Convention, two delegates-at-large and two alternate delegates-at-large, to the National Convention whose term of office shall extend from the time of election until their successor is duly elected and installed at the State Convention the year following the National Convention; provided, however, that any State Association may provide that, by virtue of their office, the President and Vice-President in office at the time of the National Convention shall be the delegates-at-large or alternate delegates-at-large, to the National Convention.

ARTICLE 7

Nominations and Elections

Nominations and elections shall take place annually, or biennially, or triennially during the meeting of this Association, as provided in the State Association by-laws, at such time as the delegates present may by vote decide. The installation of officers shall take place just prior to adjournment.

ARTICLE 8

Duties of Officers President

Section 1. The President shall preside at all meetings of this Association and enforce all laws thereof. He/she shall fill all vacancies occasioned by death or otherwise, with persons duly qualified until an election shall be held. He/she shall sign all warrants on the Treasurer, as provided for in this Constitution. He/she shall sign all documents and papers that require his/her signature to properly authenticate them. He/she shall appoint at each regular meeting a committee of three on credentials, which committee shall at once proceed to discharge its duties; a committee of three on audit to examine at once the books of the Secretary and the Treasurer; a committee of three on mileage and per diem, and a Sergeant-at-Arms. At the close of each meeting, he/she shall appoint such other committees as directed by the convention, and shall have power to fill all vacancies occurring in any appointive committee or elective office during recess. His/her correspondence with Branches, when practicable, shall be conducted through the Secretary. He/she shall submit at the regular meeting of this Association a written report of all his/her official acts during his/her term of office, and he/she shall perform such other duties as the laws, rules, and usages of this Association may require.

He/she shall, together with the Treasurer, sign and file with the Secretary of Labor on behalf of the State Association, the annual financial report required by public law.

Vice President

Sec. 2. The Vice President shall preside in the absence of the President, and in case of death, resignation, disqualification, refusal or neglect of the President to discharge the duties of his/her office, the Vice President shall then perform all the duties incumbent upon the President until an election can be held. However, an Association with an Executive Vice President may provide in its bylaws that the Executive Vice President shall succeed to the Presidency.

Secretary

Sec. 3. The Secretary shall keep a correct record of the proceedings of this Association. He/she shall read or cause to be read all communications, reports, etc., and attest all orders drawn on the Treasurer. He/she shall draw all warrants on the Treasurer, ordered by the Association and signed by the President for money in payment of bills that have been approved by the Executive Board. He/ she shall conduct the correspondence of this Association. He/she shall keep a correct record of the name, number, date of affiliation, and location of each Branch of this Association. He/she shall receive all moneys due this Association, and at the end of each month turn same over to the Treasurer. He/she shall make annual reports to the Executive Board and to every Branch of this Association, giving the receipts and disbursements of this Association in detail as shown by the books in his/her office. He/she shall perform such other duties as the laws, rules, and usages of this Association may require, and shall deliver to his/her

successor in office or to this Association all property of this Association in his/her possession at the expiration of his/her term of office, or upon an earlier termination thereof. He/she shall give a good and sufficient bond for the faithful performance of his/her duties in the sum of \$ _____ which bond must be approved by and deposited with the Executive Board of this Association. The premium on said bond shall be paid by this Association. For his/her services, he/she shall receive a salary of \$ _____ per annum.

Treasurer

Sec. 4. The Treasurer shall receive from the Secretary all moneys which may be paid to this Association, giving his/her receipt therefor. He/she shall deposit all moneys received by him/her in depositories designated by the Executive Board and approved by the President. Such deposits shall be in the name of _____ State Association of Letter Carriers and interest thereon shall be credited to the General Fund of this Association. Transfer of funds from one depository to another and payment of such drafts and orders as may be drawn on him/ her shall be made in such manner as prescribed by the Executive Board. He/she shall keep a true and correct account of all moneys received and paid out belonging to this Association, and shall at the end of his/her term, or when called upon by the Executive Board, account for and deliver to this Association or his/her successor in office all moneys, books, papers, securities, and other property of said Association that may have come into his/her hands that have not been previously and lawfully disposed of. For the faithful performance of his/her duties,

he/she shall give a good and sufficient bond in the sum of \$_____, which bond must be approved by and deposited with the Executive Board. This bond may be increased by the Association or by the President during a recess when in his/her judgment this sum is not sufficient to cover the amount which may accumulate in the Treasury during his/her term of office. The premium on said bond shall be paid by this Association, and he/she shall receive for his/her services the sum of \$_____ per annum.

Executive Board

Sec. 5. The Executive Board shall have charge of the property of this Association. They shall approve and hold the bonds of the Secretary and Treasurer. They shall direct the investment of the funds for this Association. They shall designate depositories in which the Treasurer shall deposit all funds of this Association received by him/her. They shall examine all bills, approve the same if found correct, and keep a correct account of all bills audited. In conjunction with the President, they shall have general supervision and control of the Association during recess. They shall act as Trustees of this Association and in every way carry out the interests of this Association.

Sec. 6. All formal action of the Executive Board or standing committees during recess shall be recorded by the Secretary, signed by a majority of the members of the Board or of such committees, and be reported to the membership in the next issue of any existing State publication following such formal action by the Executive Board or Standing Committees.

Director of Education

Sec. 7. The Director of Education shall have authority, under the supervision and direction of the National Business Agent, to arrange for seminars and training schools on State, District, and Branch levels.

Director of Retirees

Sec. 8(a). State Association of Letter Carriers shall establish by election a retired member as Director of Retirees to represent retired members in good standing of the State Association.

(b) Duties. The State Director of Retirees duties shall be to coordinate all activities of the retired members of the State Association and he/she shall be the legislative advocate and the congressional liaison for the retired members of the State Association of Letter Carriers. He/she shall be state organizer for retired letter carriers of the State Association. He/she shall be under the direct supervision of the State President and shall perform such other duties as may be assigned to him/her from time to time by the State President.

(c) The State Director of Retirees shall exchange information with the National Director of Retired Member Letter Carriers and when directed by the State President shall receive per diem and shall be reimbursed expenses incurred in accordance with State Association by-laws.

ARTICLE 9

Committees and Other Positions

Committee on Credentials

Section 1. The Committee on Credentials shall examine the credentials of all delegates to the meetings of this Association and shall report at once to the Association in convention assembled.

Sergeant-at-Arms

Sec. 2. The Sergeant-at-Arms shall preserve order at all regular and special meetings, and perform such other duties as the President may direct.

Delegate-at-Large

Sec. 3. The duties of the Delegates-at-Large shall be to represent this Association and promote its welfare at meetings of the National Association and to report back to this Association at its annual, biennial, or triennial meeting.

Committee on Audit

Sec. 4. The Committee on Audit shall examine the books and accounts of the Secretary and the Treasurer and report to the Association in convention assembled immediately after the report of officers.

Committee on Mileage and Per Diem

Sec. 5. The Committee on Mileage and Per Diem shall make up duplicate payrolls whereon shall be recorded the name, residence, and amount due each member entitled thereto for mileage and per diem. This report shall be presented to the meeting prior to the installation of officers.

Committee on Supplies

Sec. 6. The Executive Board shall constitute a Committee on Supplies, and shall contract for all necessary supplies in accordance with such regulations as may be adopted by this Association.

ARTICLE 10 Mileage and Per Diem

This Association shall pay such mileage and per diem to the President, Vice President, Secretary, Treasurer, Members of the Executive Board, Delegate-at-Large to the National Convention, and such other officers and committees as may be decided upon in convention assembled.

ARTICLE 11 Prohibition

This Association shall take no action on behalf of letter carriers independent of the National Association of Letter Carriers, but shall at all times act in harmony and in conjunction with the officers of the National Association of Letter Carriers.

ARTICLE 12 Referendum

Any action of this Association in convention assembled which shall have been protested in writing, signed by Branches in good standing in this

Association, and filed with the Secretary of this Association shall, within thirty days, be submitted by him/her to all Branches in good standing in this Association for referendum vote. Two-thirds of the votes cast shall be necessary to rescind such protested action.

ARTICLE 13

Appeals

Section 1. An appeal may be taken to the president from the decision of any other officer of the State Association and to the State Association in Convention assembled from any decisions of the president, which appeal must be taken at the Convention at which the subject appealed from is under consideration and before any other business is taken up for action; and any member or Branch considering that an injustice has been done him/her or it by a decision of the State Association may appeal in writing to the Committee on Appeals of the National Association.

Sec. 2. When an appeal from the action of the State Association is taken, the following rules must be observed:

First: The appeal must be in writing and filed with the Secretary of the State Association with any supporting written testimony, arguments, and briefs within twenty (20) days from the date the State Association decision appealed from was made.

Second: The State Association shall then be allowed twenty (20) days to prepare its reply, which reply shall be in writing and attested to as true and accurate by the Secretary of the State Association.

A copy of this reply, which shall include all supporting testimony, arguments, and briefs the State Association shall submit, shall be immediately transmitted by the Secretary to the appellant. The Secretary shall also immediately transmit the appeal together with all testimony, argument, and briefs submitted by the appellant and the reply of the State Association thereto, via registered mail, to the Chairperson of the Committee on Appeals of the National Association. Either party to an appeal from a decision of the State Association to the Committee on Appeals of the National Association, may, if dissatisfied with the decision, appeal to the National Convention of the National Association of Letter Carriers in accordance with the procedure set out in Article 11, Section 4, of the National Constitution.

ARTICLE 14

Amendments

This Constitution shall not be altered or amended except through the National Association of Letter Carriers in convention assembled, and in the same manner as provided for the alteration or amendment of the Constitution of the National Association of Letter Carriers.

ARTICLE 15

Order of Business

1. Calling Roll of Officers.
2. Calling Roll of Representatives or Delegates.
3. Reading Minutes of Previous Meeting.
4. Report of Committee on Credentials.
5. Report of Officers.
6. Report of Executive Board.
7. Report of Committee on Audit.
8. Reports of Special Committees.
9. Unfinished Business.
10. New Business, Presentation of Resolutions, Petitions, etc., by Branches in their numerical order.
11. Report of Committee on Mileage and Per Diem.
12. Nomination and Election of Officers.
13. Installation of Officers.
14. Adjournment.

Form of Ceremonial for Initiation of Candidates into Branches of the National Association of Letters Carriers

PRESIDENT: (To the Sergeant-at-Arms) Are there any candidates waiting to be initiated?

(If there are any, proceed.)

PRESIDENT: (To Financial Secretary) Have these candidates paid the necessary fees and/or signed the necessary authorization for dues checkoff?

FINANCIAL SECRETARY: Mr. President, the candidates have paid the necessary fees, and have signed the necessary papers.

(The President will then direct the Sergeant-at-Arms to bring the candidates in and introduce them.)

VICE PRESIDENT: Friends, we extend to you a most cordial welcome to this Branch of the National Association of Letter Carriers. Do you, in the presence of these witnesses, pledge loyalty to the laws of the National Association of Letter Carriers now in force, and those that may be adopted in the future, assist in promoting the welfare and progress of the Association and endeavor to practice and maintain the principles upon which it was formed, wrong no member or see no one wronged if you can prevent it, and that you promise all this as one who loves your country, abides by your voluntary agreements and cherishes the good will of others? We are glad to have you join with us in the good work of this union, and hereby offer you the privilege of membership.

FUNERAL CEREMONIAL (for optional use)

PRESIDENT or DELEGATE: Death has invaded our ranks and taken from us a brother (or sister, when appropri-

ate); a voice in our council has been silenced; at any moment may come the call that surely must be answered; death takes some dear one, and in his (her) place leaves sorrow, loneliness, and pain.

Once, but surely once, will come to every one of us the call that takes a soul from earth into the great beyond. We cannot know why one rather than another has been chosen; One, greater and far wiser than ourselves, has full control of that great question. It is our duty, with the best grace that we can command, to bow submissively before the will of God.

A sad occasion like this, which calls us now to surround a deceased brother (or sister) letter carrier, is to us full of instruction if we would but heed the lesson taught us in such a solemn manner today. We are reminded that we, too, are mortal; we are here today and in eternity tomorrow.

The rich and poor alike come to the final resting place. Pride and humility, wealth and poverty, under the greensward find a common level.

Our brother (or sister) is not now of earth. He (she) has made his (her) last trip, hung up his (her) sack, and turned in his (her) time-sheet to the Eternal Time-keeper; but we sincerely hope that his (her) liberated soul may ever drink pure draughts from the never-failing streams of eternal life.

May this ceremony serve to bring us into that sympathy and harmony of spirit that is ever found in the union of memories, of sorrow and aspirations.

And now, while we mourn the departure of a beloved brother (or sister), and sympathize with those whose loss is greater than ours, let us cherish his (her) memory and profit by the proof of the Divine Will and Almighty Power. (Let us pray.)

Our Father and our God, who art the Resurrection and the Life, in Whom whosoever believeth shall live though he (she) die, and whosoever liveth and believeth in Thee shall never die; hear, we beseech Thee, the voice of Thy creatures here assembled, and turn not away from our supplications.

In Thy hands alone are the issues of life and death; and we humbly beseech Thee to look upon us in tender compassion while we console with those who weep.

Remember these bereaved ones in Thy mercy; give them patience to bear their affliction and be Thou their strength and shield at all times. Buoy them up under this heavy stroke and sustain them against despondency. O! wilt Thou be their Father and their God, and pour down from on high Thy blessings upon their heads.

Bless thy brethren here assembled; impress them with their duty to each other as brethren; and their obligations in the various relations of human life, and unto Thee shall we render praise forever. AMEN.

Form of Installation Ceremony for Use of Branches, State Associations, and the National Association

Adopted at the Nineteenth Convention, San Francisco, Calif., August 30 to September 5, 1913, and amended at subsequent conventions.

The installing officer shall be any National Officer, a Past President of the National Association, a President or Past President of a State Association; provided, that in their absence any officer of a State Association or the Past President of a Branch may act as such. They may choose any member to assist them.

The Recording Secretary will furnish the assistant installing officer with a list of the officers-elect before he/she vacates his/her chair. In installing the officers of the

National Association or any State Association, the words National Association or State Association shall be used instead of the word Branch. When this order of business is reached, the President will say:

PRESIDENT: The Sergeant-at-Arms will ascertain if the Installing Officers are present.

SERGEANT-AT-ARMS: Mr./Madam President, the Installing Officers are present, and waiting to install the officers of _____ Branch No. _____

PRESIDENT: The Sergeant-at-Arms will introduce them.

(They advance to the center and salute the President.)

INSTALLING OFFICER: Mr./Madam President, in accordance with the laws of the National Association of Letter Carriers, I appear with you at this time for the purpose of installing the officers of Branch No._____. Is the Branch in good standing with the National Association of Letter Carriers? Has your per capita tax been paid, and have your officers been duly and regularly elected?

PRESIDENT: The Branch is in good standing, the per capita tax has been paid, and the officers duly and regularly elected. Will you please take the chair?

INSTALLING OFFICER: * Officers of _____ Branch No. _____, the term of office for which you were elected having expired, you will vacate your stations in order that your successors may be installed. (The Assistant Installing Officer shall call the names of the officers-elect.)

INSTALLING OFFICER: Officers-elect, please rise. Do you, each and every one of you, accept the office to which you have been elected?

OFFICERS: I do.

INSTALLING OFFICER: Brothers (and Sisters, when appropriate) of _____ Branch No. _____ these are the officers whom you have elected. If any brother (or sister) has any valid objection to the installation of these officers, let him/her now speak or forever after hold his/her peace.

(If serious objection is made, the officer to whom objection is made will be withdrawn until the difficulty is arranged satisfactorily and the installation will be continued with the other officers.)

You will each raise your right hand and repeat after me the following obligation. I do solemnly promise on my honor that I will faithfully attend the meetings of the Branch, observe and faithfully execute the laws of the National Association of Letter Carriers and the By-Laws of this Branch. I will perform, to the best of my ability the duties of the office to which I have been elected, guard all property placed in my charge, and at the expiration of my term of office turn the same over to my successor. I will do everything in my power to promote the welfare of the National Association of Letter Carriers and its members.

(Trustees are brought forward.)

INSTALLING OFFICER: Brothers (and sisters), I congratulate you. You may well consider it an honor to be held in such high esteem. Your duties will be to care for the property of the Branch, to have custody of the officers' bonds, and to perform such other duties as the Branch may require of you. The Assistant will conduct you to your stations.

(Sergeant-at-Arms is brought forward.)

INSTALLING OFFICER: My brother (or sister), it gives me pleasure to install you into the office of Sergeant-at-Arms. Your duties will be to guard the entrance of the meeting room, see that none other than those who are entitled to, or who have permission, will enter, and assist in maintaining order while the Branch is in session. The Assistant will conduct you to your station.

MBA and Health Benefits Representatives

INSTALLING OFFICER: Brothers (and/or Sisters), your duties are of such a nature as to almost appear to be a connecting link between life and death, to keep a record of the insured member from birth, and an accurate account with them and the Director of Life Insurance and the Director of Health Insurance, so that should any of them be summoned hence, or be disabled while you hold your office, those left dependent upon them will have no cause to complain.

Treasurer

INSTALLING OFFICER: Brother (or Sister), your office is an important one, and great confidence was confided in you when you were elected Treasurer. Carefully guard all funds placed in your hands and at all times be prepared to render an account to your Branch.

Financial and Recording Secretaries

INSTALLING OFFICER: Brothers (and/or Sisters), your offices are not only important, but laborious and at times trying. They require honesty, perseverance, patience, and accuracy. Prove true to your trust. A duty well performed is an honor gained.

Vice President

INSTALLING OFFICER: My brother (or Sister), it is no doubt a matter of some pride to you to be chosen the second officer of your Branch. It will be your duty to become familiar with the laws, usages, and customs of the Association, as well as the duties of the President in order that in his/her absence you may be able to assume his/her position with credit to yourself and the Branch.

President

ASSISTANT INSTALLING OFFICER: I now have the pleasure of introducing to you the President.

INSTALLING OFFICER: Brother (or Sister)_____ your election to the office of President of this Branch is an indication of the high esteem in which you are held by your associate members. Your duties are many, and chief among them is to be at all times ready to promote the welfare of the Association and enforce the laws with firmness and impartiality, so that when the sound of this gavel, the symbol of authority, which I now present to you, is heard, it will be cheerfully and willingly obeyed. May you continue in the good work begun, and may success crown your efforts.*** I now, by the power in me vested by the National Association of Letter Carriers, do declare the officers of _____ Branch No. ___ duly and legally installed for the length of their term or until their successors are elected and installed.

*NOTE In case any of the Officers who have been duly elected are unable to be present, the Installing Officer shall declare them entitled to perform the duties of their office and they shall be considered installed.

***NOTE The asterisks indicate the raps of the gavel.

CONSTITUTION AND GENERAL LAWS

of the

UNITED STATES LETTER CARRIERS MUTUAL BENEFIT ASSOCIATION

Organized 1891

CONSTITUTION

ARTICLE 1

Powers of the National Association of Letter Carriers of the United States of America, hereinafter referred to as the NALC.

Section 1. The NALC possesses the power by virtue of its charter, and in accordance with its laws, to establish the NALC life insurance department, known as the United States Letter Carriers Mutual Benefit Association and hereinafter referred to as the MBA.

Sec. 2. To create a Board of Trustees, who shall have entire charge and full control of the MBA, subject to such restrictions as the NALC, when assembled in regular biennial national convention, may from time to time provide in the Constitution and General Laws governing same.

Sec. 3. To create the office of Director of Life Insurance whose duties are defined hereinafter.

ARTICLE 2

Objects of the MBA

Section 1. To unite fraternally all letter carriers and other nonsupervisory employees of the Postal Career Service who are of sound bodily health and good moral character, and who are members in good standing in the NALC.

Sec. 2. To establish a Fund from which to pay all normal life insurance, disability, and annuity benefits in accordance with the General Laws relating to benefit certificates, and to pay such costs of administering the MBA as may be properly chargeable thereto.

ARTICLE 3

Administration

Section 1. The MBA shall be governed by a board of three trustees, its activities administered by a Director of Life Insurance, and its general supervision shall be vested in the President of the NALC.

Sec. 2. The trustees and the Director of Life Insurance shall be members of the NALC and shall be elected at the time and in the manner prescribed for the election of officers of the NALC.

ARTICLE 4

Powers of the Board of Trustees

Section 1. The Board of Trustees shall have full control of the management of the MBA subject to its Constitution and General Laws and those of the NALC.

Sec. 2. To provide, print, and furnish all forms, certificates, blanks of all kinds, official seals, and such supplies for the MBA as may be necessary.

Sec. 3. To create, hold, and disburse the funds of the MBA under such regulations hereinafter provided in its Constitution and General Laws.

Sec. 4. To issue benefit certificates and provide for the payment of the same under the laws, rules, and regulations embodied in the Constitution and General Laws of the

MBA.

Sec. 5. The Board of Trustees may, if authorized by referendum vote of all MBA members, levy special or extra assessments upon all members when necessary to meet the liabilities of the MBA.

Sec. 6. They shall hear and decide all appeals from the action of those in authority relative to the MBA, and their findings shall be final unless reversed by the national convention.

Sec. 7. The Board of Trustees may adopt rules and regulations in conformity with the Constitution and General Laws for the administration of the MBA, and alter and amend such rules and regulations when, in their judgment, the needs of the MBA so require.

Sec. 8. The Board of Trustees are hereby authorized and empowered to cause to be attached to all benefit certificates of membership hereafter issued, a stipulation, in writing, containing such modification, provision or provisions as may be necessary to make said certificate conform to and be in harmony with the laws of the state within which the member to whom such certificate shall be issued is a resident; provided, however, that nothing in such modification, provision or provisions, shall in any manner increase or enlarge the liability otherwise provided for in said certificate of membership or the General Laws of the

MBA.

Sec. 9. The Board of Trustees, in reliance upon accounting, legal, and actuarial experts, are hereby authorized and empowered to act upon all matters of technical administration of the MBA.

ARTICLE 5

Duties of the Board of Trustees

Section 1. All matters pertaining to or affecting the MBA, or the Constitution and General Laws for government of same, shall be referred to the Board of Trustees and they shall report on such matter before the close of each national convention. No resolution or amendment pertaining to or affecting the members of, or the Constitution and General Laws of the MBA, shall be effective or incorporated into the Constitution and General Laws unless passed upon and reported by the Board of Trustees before action is taken thereon by the national convention.

Sec. 2. The Board of Trustees shall, within ten days after assuming office, meet and organize by electing one of their members Chairperson, who shall perform the duties hereinafter provided, and they shall appoint a chief medical examiner, who shall be a practicing physician in good standing, and shall appoint a qualified actuary.

Sec. 3. Special meetings shall be called by the Chairperson of the Board of Trustees on request of not less than two members of the Board for the purpose of examining the affairs of the MBA or the transaction of any business in connection therewith, or auditing the books and accounts of the Director should the interests of the MBA require it. Said meetings shall be held at such time and place as designated by the Chairperson of said Board.

Sec. 4. The Board of Trustees shall have supervision of the issuance of all documents connected with the details of the work of the MBA and authorize their Chairperson to sign officially such as require his/her signature.

Sec. 5. The Board of Trustees, in conjunction with the President of the NALC and Director of Life Insurance shall constitute the Board of Investment, of which the President of the NALC shall be Chairperson and the Director shall be Secretary; and from time to time this Board shall direct the investments in securities which are eligible investments for life insurance companies under the laws of the State of

Tennessee. They may, by majority vote, sell at any time any bonds or securities in which said funds have been invested, and reinvest the proceeds thereof as above provided.

Sec. 6. The Board of Trustees shall keep a full and complete record of its acts and proceedings, and all questions shall be decided by a majority vote of the Board.

Sec. 7. The Board of Trustees shall prepare and submit a full and complete record of their acts and decisions and the conditions of the MBA to the national convention and at other times, if required so to do by the President of the NALC.

Sec. 8. They shall receive from the MBA mileage and per diem, similar to that allowed NALC officers, for all time necessarily spent at meetings of the Board of Trustees or Board of Investment at times other than that of national conventions, for audits of the Director's office, and for attendance at state conventions or other meetings to which they shall have been officially assigned by the President of the NALC.

ARTICLE 6

Duties of Officers

Duties of the President of the NALC

Section 1. The President of the NALC shall have general supervision of the MBA and shall have the power in case of death, resignation, removal, or total inability of any member of the Board of Trustees, or the Director to perform their duties, and to appoint a member of the NALC to fill the vacancy and to serve until the next regular national convention when the vacancy shall be filled by election.

Duties of the Chairperson of the Board of Trustees

Sec. 2. The Chairperson of the Board of Trustees, under the direction of said Board, shall have general management

of the MBA. It shall be his/her duty to preside at all meetings of the Board.

Sec. 3. He/she shall sign officially all documents that require his/her signature and shall sign all warrants on the depository issued and attested by the Director. He/she may appoint two members of the Board of Trustees at any time he/she deems the interest of the MBA demands it, to examine into and audit the books and accounts of the Director.

Sec. 4. He/she shall perform all duties required to enforce the provisions of the Constitution and General Laws, rules, and regulations of the NALC and the MBA.

Duties of the Director of Life Insurance

Sec. 5. The Director shall be a member of the NALC and shall be elected by the national convention in the manner prescribed for the election of officers of the NALC.

Sec. 6. He/she shall act as Secretary of the Board of Trustees, keeping a correct record of its proceedings.

Sec. 7. He/she shall be the custodian of the seal, and of all supplies and benefit certificates.

Sec. 8. He/she shall hold all securities, bonds, etc. which shall be placed in a safety vault, a key of said depository shall be held by him/her, and, if practical, the other key shall be held by the Chairperson of the Board of Trustees. If deemed advisable by the Board of Investment an agreement may be made by them with a reliable financial institution to hold said securities in trust for the MBA.

Sec. 9. He/she shall keep the following official records:

A register of the membership of the MBA, a register showing change of beneficiaries, a register of all certificates issued, a register of all applications rejected by the Chief Medical Examiner, a register of deaths of members, a register of members receiving disability benefits, and a register of annuitants.

Sec. 10. He/she shall receive all money due the MBA and shall deposit the same daily with such depository or

depositories as the Board of Trustees may designate. Said deposit must be made in the name of the MBA.

Sec. 11. He/she shall issue and attest all warrants drawn on said depository for the disbursement of the funds of the MBA, except that the Board of Trustees may authorize him/her to establish revolving fund accounts requiring only his/her signature in order to facilitate payments of benefits and operating expenses.

Sec. 12. He/she shall cause the financial books of the MBA to be kept in accordance with the accounting principles prescribed by applicable state laws and regulations.

Sec. 13. He/she shall submit quarterly to the Board of Trustees a full and complete report of the business of his/her office. He/she shall furnish for the Board of Trustees and to each biennial national convention, a complete record of the receipts and expenditures, and the general financial condition of the MBA, for the two years ending December 31 previous to meeting of said convention.

Sec. 14. His/her books shall always be open for the inspection of the Board or any member thereof. He/she shall take a valuation of all benefit certificates in force as of December 31, last, and furnish result of same to the Board of Trustees.

Sec. 15. For use in his/her official correspondence, and for the general use of the Board of Trustees, he/she shall be authorized to adopt a seal with appropriate design emblematic of the MBA, to be approved by the Board of Trustees.

Sec. 16. He/she shall attend the biennial meeting of the national convention, with all the rights and privileges of an officer of the NALC.

Sec. 17. Before entering upon the discharge of his/her duties, he/she shall enter into and acknowledge a bond in such amount as the Board of Trustees may from time to time direct; said bond must be made payable to the MBA with any reputable fidelity or guarantee company. Said bond must be approved by the Board of Trustees, and con-

ditioned for the faithful discharge of his her official duties as Director of Life Insurance for the direct benefit and protection of all MBA members.

Sec. 18. For the faithful performance of the above duties, he/she shall receive the sum of \$123,095.96 per annum payable weekly, effective July 23, 2004, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of letter carriers, and he/she shall be scheduled for three weeks of annual leave each year.

ARTICLE 7

Appeals

All appeals to the national convention from the action of the Board of Trustees, shall be forwarded in duplicate under seal of the branch to the Secretary of the NALC at least thirty days prior to the meeting of the national convention. A copy of such appeal shall at the same time be sent to the Chairperson of the Board of Trustees.

ARTICLE 8

Prohibitions

No State Association or Branch of the NALC, or officer or member of the NALC, shall take any action or make any statement whose purpose is to undermine the MBA, encourage a rival to it, or bring about a violation of its legal or contractual obligations.

GENERAL LAWS

LAW 1

Qualifications of Applicants for Membership

Section 1. An applicant for admission to membership in the MBA must be a letter carrier or other nonsupervisory employee of the Postal Career Service who is a member in good standing of the NALC, or the spouse, child, grandchild, or great grandchild of a member of the NALC. Employees of the NALC and its subsidiaries, their spouse and children are also eligible applicants for membership in the MBA.

Sec. 2. Each applicant for membership shall make application on the form provided for that purpose and, subject to the nonmedical limits in effect, be examined by some competent practicing physician.

Sec. 3. Should any applicant be rejected by the Chief Medical Examiner, he/she shall not be proposed or admitted within six months thereafter.

LAW 2

Duties of the Chief Medical Examiner

Section 1. The Chief Medical Examiner shall promptly supervise all medical examinations of applicants for membership or, when necessary, for reinstatement. He/she shall decide whether all applications referred to him/her are acceptable risks, and if not deemed acceptable, he/she shall state the cause. His/her acceptance or rejection of applications shall be final.

Sec. 2. Whenever in his/her judgment the interest of the MBA or justice to an applicant shall make it necessary, he/she may require an additional medical examination of an applicant.

Sec. 3. He/she is authorized, whenever in his/her judgment an applicant is not acceptable for the amount of insurance applied for, to approve the application for a reduced amount of insurance.

Sec. 4. He/she shall pass upon the sufficiency of proof of death for those claims referred to him/her and upon all applications for waiver of premium benefit.

Sec. 5. He/she shall receive such compensation for his/her services as directed by the Board of Trustees.

LAW 3

Duties of MBA Representative

Section 1. The MBA Representative shall be a member of the NALC and duly elected in the manner prescribed for election of NALC Branch Officers. The MBA Representative is neither an agent of the MBA nor an agent of the NALC and therefore has no authority to act as such.

Sec. 2. He/she shall be the liaison between the members of his/her branch and the MBA home office and perform such duties as required by the MBA home office.

Sec. 3. Before entering on the discharge of his/her duties, he/she shall enter into and acknowledge a bond of such sureties as the branch may deem sufficient for the faithful discharge of his/her duties as MBA Representative.

Sec. 4. At the expiration of his/her term of office, he/she shall turn over to his/her successor or to the branch, all documents, books, papers or money that may be in his/her possession and belonging to the MBA.

Sec. 5. A representative may be removed from office for incompetence or persistent neglect of his/her duties by the Chairperson of the Board of Trustees, who may appoint a successor for his/her unexpired term in case of the refusal or neglect of the branch to fill the vacancy by election.

Sec. 6. A representative receiving notice of his/her removal from office shall immediately comply with Section 4 of this General Law.

LAW 4

Duties of Members of MBA

Section 1. Billed premiums are due in advance on the first day of the month as indicated on the premium notice. It is each MBA member's responsibility to make premium payments in accordance with the premium notice sent to him/her by the MBA home office and no other notice of payments due will be sent. Payroll deducted premiums are due in advance on the regular biweekly pay dates of the U.S. Postal Service. It is each MBA member's responsibility to remit directly to the MBA home office any payroll deducted premium due but not deducted from his/her pay for any reason.

Sec. 2. Unless payment of the premium described on the premium notice or any biweekly payroll deducted premium is received by MBA on or before 31 days from the date it is due, the member's certificate will terminate and become void and all benefits therein forfeited except as to any non-forfeiture rights provided for in his/her certificate. Any member whose certificate has terminated may apply for reinstatement. If his/her certificate contains a reinstatement provision, compliance with the same shall be the exclusive means of reinstatement. If his/her certificate contains no such provision, it may be reinstated within three years of the due date of the premium in default by payment of all premium arrearages with interest thereon at the rate of 5% per annum, and upon furnishing such evidence of insurability as the MBA may require.

Sec. 3. It shall be the duty of every member of the MBA to maintain his/her membership in the NALC in accordance with the NALC Constitution and General Laws governing same.

Sec. 4. Every MBA member shall designate the name, address, and relationship of the person or persons to whom he/she desires his/her benefit paid, and it is the member's duty to advise the MBA in writing when he/she desires to change that designation.

Sec. 5. In case a benefit certificate is lost, or beyond a

member's control, the member may, in writing, surrender all claim thereto, and direct that a new certificate be issued to him/her, payable to the same or a new beneficiary or beneficiaries in accordance with the MBA, upon making affidavits of the facts in the case satisfactory to the Director of Life Insurance and paying a fee of \$5.00 for a new certificate.

LAW 5

Plans of Insurance

Section 1. **Option One.** Ordinary life certificates issued since January 1, 1912, and prior to January 1, 1938, and all certificates issued prior to January 1, 1912, on which members assumed payment of the prescribed rates at their then-attained age are designated as Option One Certificates. Such certificates provide for the monthly payment of assessments of premiums during the life of the member and, at death of the member, the beneficiary will receive the face amount of the certificate subject to General Laws governing payment of death claims. These certificates are issued on the basis of the National Fraternal Congress Table of Mortality and 4% interest. Such certificates provide for paid-up values at age 65 or older, and for cash surrender values at age 70 or older.

Sec. 2. **Option Two.** Endowment at 70 certificates issued since January 1, 1912, and prior to January 1, 1938, provide for the monthly payment of premium assessments to age 70 years. When the member reaches the age of 70 years, he/she will then pay no more assessments, but can draw annually, from the Fund until death, one-tenth of the amount of his/her benefit certificate. If death occurs before the sum of yearly installments equals the amount of his/her benefit certificate, the unpaid balance shall be paid to his/her beneficiary in one sum. Such certificates are issued on the basis of the National Fraternal Congress Table of Mortality and 4% interest.

Sec. 3. **Option Three.** Term to age 60 certificates issued since January 1, 1912, and prior to January 1, 1938, pro

vide for the monthly payment of premium assessments to age 60 years. If death occurs before the member reaches the age of 60 years, the full amount of the benefit certificate will be paid to the beneficiary. Such certificates become null and void at age 60, and no benefits are payable thereafter. Such certificates are issued on the basis of the National Fraternal Congress Table of Mortality and 4% interest.

Sec. 4. Payment of Total and Permanent Disability Claims Under Options Two and Three.

(a). A member who has accepted either Option No. 2 or 3, who may become totally and permanently disabled by other than his/her illegal, reckless, or fool-hardy act, and who is in good standing in the MBA at the time of such disability, may receive the face amount of his/her certificate in total and permanent disability benefit.

(b). In case a member entitled to disability benefits shall be insane or otherwise legally incompetent, the money due on account of such disability during the existence of such condition may be paid to the spouse or adult beneficiary named in the benefit certificate, or to a legally designated representative of the member in 10 equal annual installments, not exceeding the face value of the benefit certificate, for use and benefit of such member, and the receipt of such spouse, beneficiary, or legal representative shall be sufficient.

(c). On the death of a member, the amount provided in his/her benefit certificate, less any amounts for post mortem deductions or which have been paid on account of annuity installments, shall be paid to the person or persons legally entitled thereto.

(d). A member claiming total and permanent disability benefits as herein provided shall make claims for such benefits on the blanks provided by the Board of Trustees and shall furnish such other sworn proofs as the Board of Trustees may require.

(e). A member claiming total and permanent disability benefits herein provided for shall, at the time of making the claims for benefits, submit to the Board of Trustees

the sworn affidavits of two or more qualified practicing physicians, one of whom can be selected by the Board of Trustees, showing that for six consecutive months immediately preceding the filing of such proof, such member has been and is still totally and permanently disabled as required by these laws.

(f). The Board of Trustees and the Chief Medical Examiner shall examine and pass upon claims for total and permanent disability benefits, and if they deem that the proofs establish the fact of total and permanent disability, direct the Director of Life Insurance to make payments of benefits under the provisions herein provided.

(g). If the Board of Trustees are not satisfied with the proofs of total and permanent disability of the member making such claim, they may direct that he/she be placed on the probationary list for such time as in their judgment will clearly establish the fact of total and permanent disability. The Board of Trustees may permit the discontinuance of payment of assessments by said member during said probationary period.

(h). Whenever a member who is on the probationary list is restored to his/her former status in the MBA by order of the Board of Trustees, he/she shall again become liable for all dues and assessments and other demands of the MBA and Branch, beginning on the month following the month in which he/she was restored or returned to his/her former status in the MBA; and upon such member's failure to pay his/her monthly dues and assessments within the time prescribed by the General Laws, he/she shall be disconnected from the MBA without notice.

(i). A member under Option 2 or 3 who may hereafter lose the total sight of one eye, or the loss of one arm or one leg by severance at or above the wrist or ankle joint, may receive one half of the amount of his/her benefit certificate. Such member shall then surrender his/her benefit certificate, and the Director of Life Insurance will issue a new benefit certificate for the remaining unpaid half. The monthly assessments of said member will be reduced in same proportion.

Sec. 5. Option Four. Twenty payment life certificates issued since January 1, 1912 and prior to January 1, 1938, provide for the monthly payment of premium assessments for 20 full years, at the end of which period the certificate becomes paid-up for its face amount. After two completed years of duration, this certificate provides the following nonforfeiture values: (Cash surrender values; (2) Paid-up insurance; (3) Extended insurance; (4) Automatic premium loans; (5) Cash loans. Such certificates are issued on the basis of the American Experience Table of Mortality and 4% interest.

Sec. 6. Other Plans.

(a). All certificates issued subsequent to January 1, 1938, and prior to January 1, 1949, provide for premium payments and benefits in accordance with the terms of such certificates. After two years of duration, such certificates provide for the following nonforfeiture values: (1) Cash surrender values; (2) Paid-up insurance; (3) Extended insurance; (4) Automatic premium loans; (5) Cash loans. Such certificates are issued on the basis of the American Experience Table of Mortality and 3.5% interest.

(b). All Certificates issued subsequent to January 1, 1949, and prior to January 1, 1955, provide for premium payments and benefits in accordance with their terms and carry all standard nonforfeiture values. Such certificates are issued on the basis of the American Experience Table of Mortality and 3% interest.

(c). All certificates issued subsequent to January 1, 1955 and numbered less than Certificate Number 35000 provide for premium payments and benefits in accordance with their terms and carry all standard nonforfeiture values. Such certificates are issued on the basis of the 1941 CSO Table of Mortality and 2.5% interest.

(d). On and after August 1, 1973, all benefit certificates numbered 35000 and greater, made available by the MBA shall be of such form, provide such benefits, contain such provisions, be based on such standards of valuation, provide coverage on such persons, require such premiums

and fees, and shall be issued on the basis of such applications, on such risks, on the basis of such evidences of insurability and underwriting practices, to such persons, with such beneficiaries, and under such circumstances as shall be required or permitted by law and prescribed by the Board of Trustees.

LAW 6

Change of Rate and Plan

Section 1. A member holding a benefit certificate less than \$10,000, and under 55 years of age as of nearest birthday may change to a higher rate in multiples of \$1000 by making written application. He/she shall be examined and recommended in the manner prescribed for new members.

Sec. 2. A member under 70 years of age may at any time change from one plan to another with the same or reduced face amount without medical examination by surrender of benefit certificate endorsed to show desired change over his/her signature.

Sec. 3. In transferring from a plan not providing disability benefits to one that does. A member shall not be entitled to receive any benefits for disability occurring within the first year of membership in the new plan, unless his/her disability results from an accidental injury received after date of transferring.

Sec. 4. A member over 60 years of age transferring to Option No. 2 shall not be entitled to receive old age annuity benefits until after 10 full years of contributing membership in the Option.

Sec. 5. Transfer to Option 2 or Option 3 is not permissible after December 31, 1967.

Sec. 6. Exchange of certificates shall be in accordance with regulations adopted by the Board of Trustees, who are authorized to charge a fee for such exchange.

LAW 7

Payment of Benefits

Section 1. All claims for benefits shall be made in such form and processed in such manner, consistent with the laws of the various states in jurisdiction, as shall be determined by the Board of Trustees.

Sec. 2. Any certificate or proceeds thereof may be assigned by the member or beneficiary: however, no assignment shall be binding on the MBA unless and until it has been executed in writing in such form as may be required by the Board of Trustees and filed with the Director of Life Insurance at the home office of the MBA, and any such assignment shall be subject to any indebtedness to the MBA.

Sec. 3. Any money or benefits belonging to, or becoming due any minor or incompetent beneficiary, who does not have a duly-appointed and qualified legal guardian, may be held on deposit in trust for such minor or incompetent beneficiary until he/she attains the age of majority, or until such incompetent beneficiary is restored to capacity, or prior to such time if demanded by the duly-appointed and qualified legal guardian of such minor or incompetent beneficiary, at which time the MBA shall pay the principle sum due with interest thereon at such rate as may be determined from time to time by the Board of Trustees.

Sec. 4. No action at law or in equity shall be brought or maintained on any claim arising out of any certificate before the expiration of 90 days after receipt by the MBA of all required proof nor unless brought within two years after the cause of action has accrued, unless the applicable state statute provides for a longer period.

Sec. 5. No beneficiary shall have or obtain any vested interest in the proceeds of any certificate issued by the MBA until the benefit under such certificate has become due and payable according to the provisions thereof.

Sec. 6. The unexplained disappearances of a member,

whose whereabouts are unknown and who has not been heard from for such length of time and under such circumstances that, according to the common law or the statutory provisions of any state wherein the MBA is licensed to do business, a presumption arises that such member is dead, shall create no liability on the part of the MBA upon the benefit certificate issued to such member, unless the presumption of death is established by a decree of a proper court, in which proceeding the MBA is made a party or is given notice thereof, or unless a surety bond, satisfactory to the Board of Trustees, shall have been furnished, indemnifying the MBA against the reappearance of the member.

LAW 8

Failure of Designation, Death or Disqualification of Beneficiary

Section 1. In the event one or more of the designated beneficiaries shall predecease the person insured, or become disqualified for any reason, the benefit shall be payable to the surviving beneficiary or beneficiaries, if any, in the proportion that their respective shares thereof bore to the shares of each other surviving beneficiary before such beneficiary's death or disqualification, unless otherwise provided in the certificate.

Sec. 2. In the event only one beneficiary shall survive the insured, the entire benefit shall be paid to such survivor.

Sec. 3. If at the date of the insured's death no designated beneficiary is surviving and the beneficiary designated beneficiary is surviving and the beneficiary designation does not otherwise provide, the MBA at its option may pay the amount payable to any of the insured's relatives by blood or connection by marriage, or to the representative of the insured's estate; or if on said date the designated beneficiary is a minor or is not competent to give a valid release. The provisions of Law 8, Section 3 shall apply. Any payment made pursuant to this subsec

tion shall be in the sole discretion of the MBA, may be made in one sum or otherwise, and full payment of benefits hereunder shall constitute full and final discharge of all obligations of the MBA.

Sec. 4. If the death of both the member or other person insured and any beneficiary designated in the policy or certificate insuring the life of such member or other person, shall occur under circumstances where there is no sufficient evidence that they died otherwise than simultaneously, the amount designated as payable to such deceased beneficiary shall be payable in the same manner as if such beneficiary had died prior to the death of such member or other person insured.

Sec. 5. If any member or other person insured shall die by the hands of any beneficiary designated in the certificate insuring his/her life, except by accident, whether such beneficiary be sane or insane, the right of such beneficiary to receive any benefit under said certificate shall be forfeited and the benefits which otherwise would have been payable to such beneficiary shall be payable in the same manner as if such beneficiary had died prior to the death of such member or other person insured.

LAW 9

Valuation

Section 1. At the end of the first certificate year, and annually thereafter, the member shall be entitled to participate in any surplus to the credit of his/her certificate arising in the conduct of the MBA's business. The amount, time, and manner of participation shall be determined by the Board of Trustees upon the advice and approval of the MBA actuary.

Sec. 2. In the event the MBA's reserves should become impaired, there shall be paid by the member of the MBA the amount of the insured's equitable proportion of such deficiency as ascertained by the Board of Trustees, and if such payment is not made, same shall become an indebted-

ness against the certificate with interest at 5% per annum.

Sec. 3. A report of each annual valuation and an explanation of the facts concerning the condition of the MBA shall be published in *The Postal Record*, but no member shall have the right to any division of surplus disclosed by said valuation, except as provided for in Section 1 of this General Law, nor to the return to him/her of any portion of the same in cash, and every valuation made by the Board of Trustees and the Director shall be binding and conclusive upon all the members, the right of petition and review alone resting with the national convention.

LAW 10

The Right of Appeal

Section 1. Any member of the MBA, considering that a decision or act is unjust or not in accordance with the Constitution and General Laws of the MBA, or that injustice has been done him/her by enforcement or operation of any law or rule of the MBA, shall have the right of appeal in the following manner: from a committee or officer to the president of the branch at the next stated meeting; from the president of the branch to the branch at the same or next stated meeting; from the branch to the Board of Trustees at the same or next stated meeting; from the Board of Trustees to the next biennial national convention of the NALC.

Sec. 2. A member who does not take an appeal within the time above allowed, shall be deemed to have thereby agreed to abide by such decision, or act, or enforcement, or operation of the laws or rules of the MBA.

LAW 11

Amendments

The Constitution and General Laws of the MBA shall

not be altered or amended except by majority vote of the entire membership present and voting at the regular session of the national convention, and all proposed amendments must be presented in writing, signed by three or more members, and referred to and reported upon by the Board of Trustees. Any proposed amendment, except those originating with the Board of Trustees, must be submitted to the Board of Trustees at least 60 days prior to the first day of the next national convention.

CONSTITUTION
of the
NATIONAL ASSOCIATION OF
LETTER CARRIERS
HEALTH BENEFIT PLAN

CONSTITUTION

ARTICLE 1
Name and Powers

Powers of the National Association of Letter Carriers of the United States of America.

Section 1. The National Association of Letter Carriers of the United States of America possesses the power, by virtue of its charter, and in accordance with its laws:

(a). To establish a plan of health insurance known as National Association of Letter Carriers Health Benefit Plan hereinafter referred to as the Plan.

(b). To create a Board of Trustees who shall have entire charge and full control subject to such restrictions as the National Association of Letter Carriers, when assembled in regular biennial national convention, may from time to time provide in the Constitution and General Laws governing same.

(c). To create the office of Director, Health Benefit Plan, duties for which are defined hereinafter.

ARTICLE 2
Objects of the Plan

Section 1. To unite fraternally all letter carriers who are members in good standing in the National Association of Letter Carriers.

Sec. 2. To establish Health Benefit Funds from which

to pay contributing members holding Health Benefit Certificates who become lawfully entitled thereto, certain benefits as indemnity against loss resulting from the expense of hospital, surgical and other medical expense due to bodily injuries or sickness of the member and enrolled dependent members of his/her family, and from which to defray the necessary running expenses of the Plan.

ARTICLE 3

Administration

The Plan shall be governed by a Board of Trustees, its activities administered by a Director, Health Benefit Plan, and its general supervision shall be vested in the President of the National Association of Letter Carriers.

ARTICLE 4

Officers and Elections

Section 1. The elective officers of this Association shall be a Board of Trustees and a Director, Health Benefit Plan.

Sec. 2. The Board of Trustees shall be composed of three members of the National Association of Letter Carriers who shall be elected at the time and manner prescribed for the election of the officers of the National Association of Letter Carriers.

Sec. 3. The Director, Health Benefit Plan shall be a member of the National Association of Letter Carriers and shall be elected at the time and manner prescribed for the election of officers of the National Association of Letter Carriers. No one shall hold any office in the National Health Benefit Plan of the National Association of Letter Carriers at any level, National, State Association, Regional, District, or branch level, who is not a participating member of the National Association of Letter Carriers Health Benefit Plan.

ARTICLE 5

Powers of the Board of Trustees

Section 1. The Board of Trustees shall have full control of the management of the Plan subject to its laws and to those of the National Association of Letter Carriers.

Sec. 2. They shall provide, print, and furnish all forms, certificates, blanks of all kinds, official seals and such supplies of the Plan as may be necessary.

Sec. 3. They shall create, hold, and disburse the funds of the Plan under the regulations hereinafter provided and the General Laws.

Sec. 4. They shall issue certificates and provide for the payment of claims arising therefrom under the laws, rules, and regulations embodied in the Constitution and General Laws of this Plan.

Sec. 5. They shall hear and decide all appeals from the action of those in authority relative to the Plan and its funds, and their findings shall be final unless reversed by the National Association in convention.

Sec. 6. The Board of Trustees may adopt rules and regulations in conformity with the Constitution and General Laws for the government of members in the Plan and alter and amend such rules and regulations, when, in their judgment, the needs of the said Plan so require.

Sec. 7. The Board of Trustees is authorized to formulate new certificates whenever, in its unanimous opinion, it is to the best interest of the membership and the Plan to do so. Such certificates must be approved by the Plan's Actuary and the Department of Insurance and Banking of the State of Tennessee.

Sec. 8. The Board of Trustees may engage legal counsel whenever, in its opinion, it is to the best interest of this Plan.

ARTICLE 6

Duties of the Board of Trustees

Section 1. The Board of Trustees shall, within 10 days after assuming office, meet and organize by electing one of their members Chairperson, who shall perform the duties hereinafter provided.

Sec. 2. The Board of Trustees shall meet at such time and place as the National Association of Letter Carriers of the United States of America may designate in convention for the purpose of examining into the affairs of the Plan and auditing the books and accounts of the Director, Health Benefit Plan:

provided, that such an examination and audit will in no way interfere with any examination or audit being made by an auditing committee of the NALC, or a firm of certified public accountants ordered to make an audit and examination of the books and records by the President of the NALC.

Sec. 3. Special meetings shall be called by the Chairperson of the Board of Trustees on the request of not less than two members of the Board, should the interest of the Plan require it. Said meetings shall be held at such times and place as is designated by the Chairperson of said Board.

Sec. 4. The Board shall have supervision of the issuance of all documents connected with the details of the Plan, and may authorize their Chairperson to sign officially such as require their signature.

Sec. 5. The Board shall keep a full and complete record of all its acts and proceedings, and all questions shall be decided by a majority vote of the Board.

Sec. 6. The Board shall prepare and submit a full and complete record of their acts and decisions and the condition of the Plan to the National Association at their regular convention, and at other times, if required to do so by the President of the National Association.

Sec. 7. It shall be the duty of the Board to attend the conventions of the National Association and they shall be privileged to take part in its proceedings the same as any officer of the National Association.

Sec. 8. For their expenses they shall receive from the National Association of Letter Carriers, for all time necessarily spent in attendance at the National Convention, at meetings of the Board of Trustees in connection with the National Convention, and for time and transportation to and from same, a mileage and per diem allowance similar to that allowed the National Officers.

Sec. 9. The salaries of the three members of the Board of Trustees shall be equitably apportioned to the various funds of the Plan.

ARTICLE 7

Duties of Officers

Duties of the President of the National Association

Section 1. The President of the National Association of Letter Carriers shall have general supervision of the Plan. He/she shall have power in case of death, resignation, removal or total inability of any member of the Board of Trustees or the Director, Health Benefit Plan, to perform their duties, to appoint a member of the National Association to fill the vacancy or vacancies, as the case may be, requiring a good and sufficient bond in the sum fixed by the National Association or by the Board of Trustees for said officers. The member or members so appointed shall serve until the next regular meeting of the National Association, when the vacancy shall be filled by an election.

Duties of the Chairperson of the Board of Trustees

Sec. 2. The Chairperson of the Board of Trustees shall preside at all meetings of the Board. He/she shall sign officially all documents that require his/her signature; shall sign all checks on the depository, issued and attested by the Director, Health Benefit Plan, for the purpose of

liquidating the liabilities of the Plan in conformity with the laws governing the same. He/she shall perform all duties required to enforce the provisions of the Constitution and general laws, rules and regulations of the National Association of Letter Carriers and the Plan.

Duties of the Director of Health Benefit Plan

Sec. 3. The Director, Health Benefit Plan, shall be the chief executive officer of the Plan and shall conduct its affairs subject to this Constitution and the General Laws and such direction as he/she may from time to time receive from the Board of Trustees.

Sec. 4. He/she shall initially decide all matters involving any member and the Plan.

Sec. 5. He/she shall cause to be established and maintained a system of bookkeeping and accounting of the funds of the Plan in accordance with generally accepted accounting principles. Separate accounts shall be kept of the various funds of the Plan.

Sec. 6. He/she shall have the supervision of the receipt, custody, and disbursements of all funds of the Plan, and cause to be deposited in banks approved by the Board of Trustees all moneys received.

Sec. 7. He/she shall retain a firm of certified public accountants to perform an audit of the books and records of the Plan at the conclusion of each fiscal year.

Sec. 8. He/she shall act as secretary at the various meetings of the Board of Trustees.

Sec. 9. He/she shall engage the services of an actuary.

Sec. 10. He/she shall furnish to the Board of Trustees and all National Officers of the National Association of Letter Carriers a monthly report of the financial condition of the Plan.

Sec. 11. He/she shall be custodian of the seal and of all supplies and certificates.

Sec. 12. He/she shall issue and attest all checks on the depository for the disbursements of the funds of the Plan.

Sec. 13. He/she shall submit monthly to the Board of

Trustees a full and complete report of the business of his/her office. He/she shall furnish for the Board of Trustees and to each convention a complete record of receipts and expenditures, and a statement of the general financial condition of the Plan for the calendar year previous to the meeting of said convention.

Sec. 14. His/her books shall always be open for inspection by the Board or any members thereof.

Sec. 15. For use in his/her official correspondence and for the general use of the Board of Trustees, he/she shall be authorized to adopt a seal with an appropriate design emblematic of the Plan, the same to be approved by the Board of Trustees.

Sec. 16. He/she shall receive all claims arising under the provisions of the certificates of this Plan.

Sec. 17. He/she shall furnish Health Benefit Representatives of Branches with necessary supplies for the transactions between the local Health Benefit Representative and the office of the Director, Health Benefit Plan.

Sec. 18. He/she shall receive for his/her services \$123,095.96 per annum payable weekly, effective July 23, 2004, which amount is to be equitably apportioned to the various Funds of the Plan, provided, that future salary adjustments will be made with the same percentage given top grade letter carriers in their salary increases. He/she shall be entitled to the same sick and annual leave provisions of letter carriers, and he/she shall be scheduled for three weeks annual leave each year.

Sec. 19. He/she shall attend the Conventions of the National Association, and for his/her expenses he/she shall receive from the National Association of Letter Carriers for all the time necessarily spent in attendance at the National Conventions, at the meetings of the

Board of Trustees in connection with the National Conventions, and for the time and transportation to and from same, a mileage and per diem allowance similar to that allowed the National Officers.

ARTICLE 8

Fiscal Year

The fiscal year of the Association shall be the calendar year.

ARTICLE 9

Actuarial Soundness

The funds of the Plan shall be maintained at levels sufficient to pay all benefit claims, matured and contingent, and necessary administrative expenses. The premiums shall be maintained at rates adequate to insure the ability of the Plan to make such payments.

ARTICLE 10

Revenue

Section 1. The revenue of the Plan shall consist of moneys received on account of premiums, fees, assessments, and earnings of investments.

Sec. 2. Premiums shall be established by the Board of Directors only after such premiums have been approved by this Plan's actuary.

ARTICLE 11

Disposition, Security and Investment of Funds

Section 1. All moneys of the Association shall be received by the Director, Health Benefit Plan, and be deposited by him/her in the name of National Association of Letter Carriers Health Benefit Plan, in such bank or banks as may be designated by the Board of Trustees.

The checks drawn on these accounts shall be signed by the Chairperson, Board of Trustees, and attested to by the Director, Health Benefit Plan, except that the Board of Trustees may authorize the Director, Health Benefit Plan,

to open revolving fund accounts requiring only the signature of the Director, Health Benefit Plan, in bank or banks that it may designate, in order to pay more expeditiously claims for benefits and administrative expenses.

Sec. 2. The Board of Trustees and the Director, Health Benefit Plan, in conjunction with the President of the National Association of Letter Carriers, may direct the investment of the funds of the Plan in readily convertible Government, State or Municipal bonds and other securities which are eligible investments for fraternal health and accident insurance companies under the laws of the State of Tennessee.

Further, investment of moneys shall not be inconsistent with the rules and regulations of the Civil Service Commission established for the administration of Public Law 86-382.

Sec. 3. The Board of Trustees, Director, Health Benefit Plan, and the President of the National Association of Letter Carriers may, at any time, by unanimous vote, sell any bonds or securities in which the moneys are invested and reinvest the proceeds thereof as above provided.

Sec. 4. The Director, Health Benefit Plan, shall hold all securities and place them in a safety vault to be designated by the Board of Trustees, one key of which shall be

held by him/her and another, if practicable, by the Chairperson of the Board of Trustees. If deemed advisable by the Board of Trustees, an agreement may be made by them with a reliable financial institution to hold said securities for the Plan.

Sec. 5. The Director, Health Benefit Plan shall be required, before entering upon the discharge of his/her duties, to enter into and acknowledge a bond in such amounts as the Board of Trustees and the President of the National Association of Letter Carriers may direct, said bond to be made payable to the National Association of Letter Carriers, with any reputable fidelity or guarantee company. Said bond must be approved by the Board of Trustees of the Plan and the President of the National

Association of Letter Carriers and be conditional upon the faithful discharge of his/her official duties as Director, Health Benefit Plan. The Chairperson of the Board of Trustees may also be required by joint action of the other members of the Board and the President of the National Association of Letter Carriers to furnish a bond to the National Association of Letter Carriers in the same amount, manner and form as that given by the Director, Health Benefit Plan; the expense of procuring both of the aforementioned bonds is to be equitably apportioned to the various Funds of the Plan.

ARTICLE 12

Membership

The membership of the Plan shall be composed of members of the National Association of Letter Carriers.

ARTICLE 13

Amendments

Section 1. The Constitution and General Laws of the Plan shall not be altered or amended except by a majority of the entire membership voting at the regular session of the National Association of Letter Carriers, and all the proposed amendments must be presented in writing, signed by three or more members of the Plan, and be referred to and reported upon by the Board of Directors.

Sec. 2. The various insurance certificates shall be altered or amended by a majority of the delegates voting at a regular session of the convention of the National Association of Letter Carriers and by the Board of Trustees between conventions when, in its opinion, such alterations or amendments are in the best interest of the membership and this Plan: provided further, that all such alterations and amendments have the approval of the Plan's actuary and the Department of Insurance and Banking of the State of Tennessee.

Sec. 3. No amendment of this constitution and amendments or alteration of the insurance certificates shall be inconsistent with Federal, State, District of Columbia or territorial law, the constitution and laws of the National Association of Letter Carriers, or have the effect of impairing the actuarial soundness of this Plan as determined by competent advice obtained by the Board of Trustees.

**CHARTER OF
INCORPORATION OF THE
UNITED STATES LETTER
CARRIERS MUTUAL
BENEFIT ASSOCIATION
[AS AMENDED]**

STATE OF TENNESSEE

Be it known, that Theodore C. Dennis, Wilmot Dunn, Joseph R. Kelley, John D. Mackenzie, W. N. Carr, George B. Dobson, J. W. Jackson, are hereby created a body politic and corporate by the name and style of United States Letter Carriers Mutual Benefit Association (hereinafter the Association), the purpose of which is to carry on business as a fraternal benefit corporation, to engage in and write any or all branches of insurance which may be engaged in under Section 2513, subsection 3, of Shannon's Code, including but not limited to individual life and annuity insurance, sick benefit coverage, and individual accident and health policies providing supplementary income to hospitalized and/or disabled members, but excluding all group accident and health insurance provided by National Association of Letter Carriers (hereinafter NALC) Health Benefit Plan pursuant to 5 U.S.C. §8901 et seq., to establish Branches, and to exercise all powers necessary to operate such business.

The general powers of said corporation shall be to sue and be sued by the corporate name, to have and use a common seal, which it may alter at pleasure; if no common seal, then the signature of the name of the corporation by any duly-authorized officer shall be legal and binding; to purchase and hold, or receive by gift, bequest, or devise, in addition to the personal property owned by the cor

poration, real estate necessary for the transaction of the corporate business, and also to purchase or accept any real estate in payment or in part payment of any debt due to the corporation, and sell the same; to establish by-laws, and make all rules and regulations not consistent with the laws and Constitution deemed expedient for the management of corporate affairs; and appoint such subordinate officers and agents, in addition to a President and Secretary or Treasurer, as the business of the corporation may require, designate the name of the office and fix the compensation of the officer.

The Board of Trustees shall consist of the following three members: Larry Brown, Randall L. Keller and Daniel T. Rupp, who shall serve as such until the expiration of their term of office in accordance with the Constitution of the NALC. Their successor Trustees shall at all times thereafter be the persons duly elected as Trustees under the Constitution of NALC. In addition to the said Trustees, the Association's activities shall be administered by a Director of Life Insurance elected under the Constitution of NALC, and its general supervision shall be vested in the President of NALC as provided in the Constitution thereof.

The by-laws governing the Association shall be the *Constitution and General Laws of the United States Letter Carriers Mutual Benefit Association* presently in effect and as the same may be duly amended hereafter.

The general welfare of society, not individual profit, is the object for which this charter is granted, and hence the members are not stockholders in the legal sense of the term, and no dividends or profits shall be divided among the members. The members may at any time voluntarily dissolve the corporation by a conveyance of its assets and property to any other corporation holding a charter from the State for the purpose not of individual profit, first providing for corporate debts.

A violation of any of the provisions of this charter shall

subject the corporation to dissolution at the instance of the State.

This charter is subject to modification or amendment; and in case said modification or amendment is not accepted, corporate business is to cease, and the assets and property, after the payment of debts, are to be conveyed, as aforesaid, to some other corporation holding a charter for purposes not connected with individual profit. Acquiescence in any modification thus declared shall be determined in a meeting specially called for that purpose, and only those voting in favor of the modification shall thereafter compose the corporation.

The means, assets, income or other property of the corporation shall not be employed directly or indirectly for any other purpose whatever than to accomplish the legitimate objects of its creation, and by no implication shall it possess the power to issue notes or currency, deal in currency, notes or coin, buy or sell products, or engage in any kind of grading operation, nor hold any more real estate than is necessary for its legitimate purposes.

There shall be no individual liability against the members of corporate debts, but the entire corporate property shall be liable for the claims of creditors.

We, the undersigned, apply to the State of Tennessee, by virtue of the laws of the land, for a Charter of Incorporation for the purpose and with the powers, etc., declared in the foregoing instrument.

This 25th day of February, 1892.

THEODORE C. DENNIS,
WILMOT DUNN,

W. N. CARR,

JOSEPH R. KELLEY,
GEO. B. DOBSON,

J. W. JACKSON.

STATE OF TENNESSEE:

Davidson County.

Personally appeared before me, W. T. Smith, Clerk of the County Court of said County, the within named Theodore C. Dennis, Wilmont Dunn, Joseph R. Kelley, John D. Mackenzie, W. N. Carr, George B. Dobson, J. W. Jackson, the bargainers with whom I am personally acquainted, and who acknowledged that they executed the annexed instrument for the purposes therein contained.

Witness my hand at Office this 25th day of February, 1892.

W.T. Smith,
Clerk

Received February 25, 1892, at 3:40 p.m.

I, Charles A. Miller, Secretary of the State of Tennessee, do certify that the foregoing instrument with certificate of acknowledgment of probate and registration was filed in my office for registration on the 26th day of February, 1892, and recorded on 26th day of February, 1892, in Corporation Record Book O, in said office, page 282.

In testimony whereof, I have hereunto subscribed my official signature and by order of the Governor, affixed the Great Seal of the State of Tennessee at the Department in the City of Nashville, this 26th day of February, A. D. 1892.

C.A. Miller,
Secretary of State

Received February 26, 1892, at 12:15 p.m.

Recorded in Register's Office of Davidson County, Tennessee, in Book No. 76, pages 198 and 199.

STATE OF TENNESSEE:

Davidson County.

I, West H. Morton, Register for said County, hereby certify that the foregoing is a true and exact copy of the Charter, National Association of Letter Carriers of U.S.A., as the same appears of record in my office in Book No. 76, pages 198 and 199.

Witness my official signature at office this 26 day of February, 1892.

West H. Morton,
Register of Davidson County
By Bob Williams,

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