

National Union Constitution

# NATIONAL UNION CONSTITUTION SERVICE OFFICE & RETAIL WORKERS UNION OF CANADA

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## Section 1 NAME

This organization shall be known as "THE SERVICE, OFFICE AND RETAIL WORKERS UNION OF CANADA" (SORWUC) and shall hereinafter be referred to as the "National Union."

## Section 2 OBJECTS

The objects of this National Union shall be:

The Service Office and Retail Workers Union of Canada believes that everyone who works should earn enough to provide a decent living for her/himself and her/his family. To this end, the Union will bargain collectively on behalf of the members to bring about fair wage standards, to reduce the difference between the lowest and highest rates, and to assure equal pay for comparable work for all, regardless of sex, age, marital status, race, sexual preference, religion or national origin.

The Union will strive to improve working conditions of members, to maximize the opportunities for personal fulfillment in the work situation of all members, and to reduce working hours and eliminate overtime so that each member may have the opportunity of enjoying proper leisure, recreation and cultural development. The Union will work to ensure job security for all members and to end discrimination in hiring and promotion. Within the community, the Union will work for the establishment of political and social equality, for free parent-controlled child care centres, for community control of schools, for community health services, and against price and rent increases which erode the gains made through collective bargaining. The Union will encourage unionization of unorganized workers and will charter Local Unions, maintaining at all times the principles of local autonomy and democracy within this National Union and its Local Unions.

## Section 3 JURISDICTION

The Union shall include but not be limited to jurisdiction over all workers employed in or around offices, stores and service establishments and/or workers in any field of employment within Canada.

## Section 4 MEMBERSHIP

- A. Membership shall be open to full and part-time workers coming under this jurisdiction.
- B. Application for membership may be made to the National Union or to a Local Union. Membership in a Local Union is deemed also to be membership in the National Union.
- C. The National Union shall assist members in forming a Local
  Union and shall grant a charter to a Local Union upon
  approval of the National Executive. The National Executive

- shall have the power to assign headquarters members to a Local Union. Each person signing an application for membership and paying the initiation fee will thereby agree to comply with the aims, principles and policies of the National Union. Dues for headquarters members shall be \$3.00 per month, except for unemployed members covered under Section 4G and members in a unit pending certification.
- D. Any National Union Officer or Local Union Officer, or any person designated by either of them, shall have the authority to accept any application for membership, by affixing her/his signature to the application form in the space so provided, thereby giving such applicant membership status.
- E. The initiation fee of this National Union shall be One Dollar (\$1.00) for each person wishing to become a member except in the case where the laws or regulations of any Province or the laws and regulations of the Federal Government require a lesser or a larger initiation fee, in which case the provisions of the laws and regulations shall apply instead and in place of the constitutional requirements.
- F. Any member failing to pay her/his monthly dues including per capita tax for a period exceeding three months shall automatically be suspended. The foregoing does not apply to members in a unit pending certification. To be reinstated after suspension, a member must pay an assessment of \$20.00 or her/his back dues, whichever is less.
- G. When a member becomes unemployed she/he shall retain full membership rights without paying per capita tax for a period of ninety (90) days from her/his last per capita payment. After this period of 90 days she/he must resume payment of per capita tax or she/he shall be suspended. To be reinstated she/he shall pay back the owing per capita tax, or an assessment of \$20.00, whichever is less, but not per capita tax for the aforementioned 90 day period.
- H. No Secret Meetings: Any member shall have the right to attend any Union Convention, Executive or Committee Meeting with voice at the discretion of the meeting.

## Section 5 CHARTERS

The National Union alone is vested with the power to establish Local Unions and to grant charters thereto in all establishments within its jurisdiction. Charters shall be issued only by the National Officers and shall be signed by the President and Secretary. The Local Unions shall comply with the National Constitution at all times.

## Section 6 LOCAL UNION AUTONOMY

A. Local Union autonomy will be fostered and encouraged.

B. A Local Union may secede only under the following conditions:

 Upon receipt of a petition of 25% of the membership of the Local Union involved, the National Executive and the Local Trustees shall conduct a referendum vote of the Local Union concerned. The National Executive shall circulate notice of referendum outlining the matters in dispute one month prior to the referendum, and statements for and against secession shall be circulated with the

the local membership shall approve the motion for

secession before it will be considered carried.

2. Following approval of secession by a Local Membership in referendum, the National Union shall automatically nullify the Charter of the Local Union and exonerate its members from any further obligation towards the National Union.

ballot. The vote shall be by secret ballot. A majority of

- 3. In the event that a Local Union decides to secede from the National Union to affiliate to another union or to become an independent body, that Local Union shall have the right to retain its assets and records. If the Local Union votes in like manner to Section 6Bl and 2 to dissolve, the assets and records shall become the property of the National Union.
- C. The method of elections of officers in newly chartered Local Unions shall be determined by the members concerned at the Charter Meeting.

#### Section 7 NATIONAL EXECUTIVE

- A. There shall be a National Executive of the National Union elected annually. It shall be comprised of the four National Officers: President, Vice-President, Secretary and Treasurer; and the National Executive members elected as hereinafter set forth. Two National Executive members or duly elected alternates elected annually by referendum, in accordance with Local Union by-laws, by and from each chartered Local Union of the National Union.
- B. There shall be no full-time paid officers of the Union unless proposed by a Convention and approved by the National Union membership in a referendum. The salary of any paid officer so elected will be no greater than the highest salary in any collective agreement negotiated by SORWUC.
- C. Each National Officer of the National Executive shall be elected by the members of the National Union by referendum, the highest number of votes for each position to be sufficient to elect such officer. No member may be allowed to stand for election in more than one office on the referendum ballot. All candidates for position as a National Officer must be nominated at a Convention. If a nominee is not present, written consent must be given to the Secretary at

the time of nomination. Statements of all eligible candidates for national elections shall be distributed to all Local Unions who will make them available to the members prior to and during the voting. Nominations for full-time paid positions shall not be accepted for any member completing one year in a full-time paid position. The Tabulating Committee shall have the ballots printed and circulated to Local Unions for the referendum vote as soon as possible after the close of the Convention. Voting shall take place by secret ballot during three days specified by the National Executive. Local Trustees will be responsible for balloting in Local Unions.

All members casting ballots will sign for their ballots. The Trustees will count the ballots and forward them together with all unused ballots and registration lists and deliver them or send them by registered mail or insured express to the Tabulating Committee in care of the National Executive, within seven days of completion of voting. The ballots will remain sealed until the Tabulating Committee meets. Candidates will be allowed scrutineers at any ballot count. Results of the balloting will be circulated to Local Unions by the Tabulating Committee within seven days of counting. Any protest alleging "unfair ballot" or other irregularity must be presented in writing to the National Secretary within seven days of the results of the balloting being announced. Upon receipt of such notice, the National Executive shall meet and if the protest is upheld another ballot shall be conducted.

- D. The qualifications for office in the National Union shall be membership in good standing in a chartered Local Union or in the National Union.
- E. Duties of the National Officers and the National Executive: 1. The National Officers shall be charged with the responsibility of carrying out the decisions of the National Union and the National Executive. The National Executive shall have the entire management of the National Union between Conventions and shall be held responsible for efficient management of same.

 The President shall preside at all National Executive meetings and Conventions unless the meeting decides otherwise.

 The National Vice-President shall preside at all meetings where the National President is absent, unless otherwise decided by the meeting.

4. The National Treasurer shall be responsible for keeping a true and proper record of all monies received and expended and for maintaining accurately and properly such bookkeeping systems as shall be set up under the instructions of the National Executive. The National Treasurer shall submit a detailed financial report to each National Executive Meeting and to the Convention.

 The National Secretary shall be responsible for keeping minutes of National Executive meetings and Conventions and shall maintain all records, documents and correspondence of the National Union.

 All cheques issued by the National Union or the National Executive shall require the signatures of any two of the following: Treasurer, President, Vice-President, Secretary.

- F. Any National Officer who resigns, is recalled or for any other reason ceases to hold office, shall forthwith upon termination of her/his position as officer, turn over to the National Executive all documents, records, books, funds, assets and all other property of the National Union.
- G. 1. In order to recall a National Officer a petition of at least 15% of the membership of the National Union must be presented and a referendum vote held. The Tabulating Committee shall have ballots printed and circulated to the Local Unions for a referendum ballot within 30 days of receipt of said petition in registered mail by the National Secretary. The referendum ballot shall be conducted in accordance with Local Union by-laws within seven days of receipt of the ballots. A majority of the votes cast shall be necessary to recall the officer.

 Any National Officer not attending three consecutive National Executive meetings without reasonable excuse shall have her/his position declared vacant.

- H. In the event of the recall, resignation or death of a National Officer, if the unexpired term exceeds three months the vacancy shall be filled by a referendum election. If the unexpired term does not exceed three months, the duties of the office involved shall be covered by the National Executive.
- I. A chartered Local's representatives on the National Executive may be recalled by a majority of the votes cast in a referendum vote of the Local Union membership involved. After notice of motion has been duly given, the approval of a referendum vote to recall has been obtained by a majority of the Local Union membership meeting, the vote to recall shall be held not earlier than seven days nor later than twenty-one days. Any vacancy in a chartered Local's representation on the National Executive as a result of recall shall be filled within two months. Elections shall be held by referendum ballot of the Local Union membership concerned, the candidates being nominated at a Local Union membership meeting.
- J. The National Executive shall hold meetings at the call of the President or a majority of the members thereof, but in no case shall meetings be held less often than once in every six

- months. The approved minutes of all National Executive meetings shall be submitted to each chartered Local Union. A majority of the National Executive shall constitute a quorum at the National Executive meetings.
- K. No agreements shall be entered into by any National Officer which change any terms or provisions of an existing labour agreement unless approval has been granted for such action by the membership of the bargaining unit concerned.

### Section 8 CONVENTIONS

- A. Conventions shall take place annually during the month of February and the date thereof shall be set by the National Executive. The date shall be announced at least ninety days in advance of the date so set. It shall be the responsibility of the National Executive to make arrangements for the Convention.
- B. Notwithstanding the foregoing, Special Conventions may be called by the President or National Executive on two weeks notice. The President or National Executive must call a Special Convention upon receipt of a petition of 25% of the membership.
- C. Delegates: Any member in good standing is eligible to be a delegate to the Annual Convention or Special Convention. Delegates shall be elected by Local Unions on the following basis:

1 - 10 members, 2 delegates; and

1 delegate for each additional 10 members or major fraction thereof.

Local Unions shall elect alternates to provide for the inability of any of their delegates to attend. Members of the National Executive shall automatically be delegates to Conventions. Delegates will be elected in accordance with Local Union by-laws.

- D. A majority of the registered delegates to a Convention shall constitute a quorum for the transaction of business.
- E. Committees:
  - A majority of a Committee shall constitute a quorum for the transaction of business of that Committee.
  - 2. There shall be a Committee known as the Resolutions and Constitution Committee which shall consist of no less than four elected delegates. Each Local Union shall be entitled to one member on the Resolutions and Constitution Committee elected according to Local Union by-laws. If the National Union is composed of less than four Local Unions, the National Executive shall appoint additional members of the Committee to bring its total membership to four. The Resolutions and Constitution Committee shall print all proposed resolutions and constitutional amend-

- ments and submit them to the Convention. Resolutions to the National Convention must be received by the National Office 14 days prior to the Convention date. Emergency resolutions can be accepted from the floor of the Convention.
- 3. There shall be a Committee of three known as the Tabulating Committee nominated and elected at the Convention by secret ballot of those present. It shall be the responsibility of the Tabulating Committee to conduct all voting for the National Union including those votes at the Convention and between Conventions, and particularly referendum votes.

### Section 9 REVENUE

- A. The revenue of the National Union shall be derived from the dues of headquarters members as outlined in Section 4C and from a per capita tax of fifty per cent (50%) of each Local Union member's dues per month, to a maximum of three dollars (\$3.00), subject to the provisions of Section 4G regarding unemployed members. The foregoing does not apply to members in a unit pending certification.
- B. Fifty cents (50¢) of the per capita tax shall be deposited in the strike fund.
- C. Should an emergency arise and the National Executive decide that an assessment of the National Union membership is necessary, a referendum ballot of the National Union members will be taken. Reasons for, and the duration of, the proposed assessment will be distributed with the ballot. A majority of the ballots cast in favour of said assessment shall be considered approval.
- D. The per capita tax shall be forwarded to the National Treasurer on a regular basis each month and deposited in the name of the National Union. Up to date records of membership lists shall be submitted to the National Office on request.
- E. National Auditor: There shall be one Auditor who shall not be an employee of the National Union. The Auditor shall be appointed by the National Executive subject to the approval of the Convention. After approval by the National Convention, the Auditor may not be dismissed except with the approval of the National Convention, but in the event that such Auditor shall resign or due to death, illness or other incapacity be unable to carry on her/his duties, the National Executive is authorized to appoint a new Auditor until the following Convention. A report of the audit shall be distributed to each chartered Local Union within sixty days of completion of the audit. An audit shall be completed once annually and the report presented to each National Convention.

## Section 10 STRIKES AND LOCK-OUTS

A certified bargaining unit shall not strike without the approval of the membership in the unit. Voting shall be by secret ballot and a majority of votes cast shall be necessary for a strike to take place. Strike benefits shall be determined by the National Executive in consultation with the Local Union concerned, and they shall have the right to set such rules and regulations as may be necessary in support of such action.

## Section 11 DISCIPLINE

- A. The Local Unions have a right to discipline any member for the following reasons:
  - violation of the National Constitution, Local By-Laws, or a decision of Local Union meetings or Conventions.
  - obtaining membership through fraudulent means or by misrepresentation.
  - fraudulently receiving or misappropriating any property of the National Union or Local Union.
  - 4. acting in collusion with the employer with a view to injuring the National Union or Local Union.
  - 5. crossing a picket line established as a result of a labour dispute,
  - only after a fair hearing and a majority vote at the Local Union meeting. The accused shall have the right to have a member of the Local Union act as her/his counsel.
- B. The Local Union after such hearing shall, if the accused is found guilty, have the right to impose any or all of the following penalties:
  - 1. reprimand the member;
  - suspend the member;
  - recommend to the National Convention that she/he be expelled. Any member found guilty and recommended for expulsion shall be ineligible to hold office.
- C. The accused will have the right to appeal to the next National Convention and shall have the right to choose a member of the National Union to act as her/his counsel. However, the decision of the Local Union shall stand unless and until reversed on appeal.
- D. The National Convention has the power to expel upon recommendation of the Local Union as aforesaid, and in any appeal may:
  - 1. affirm the conviction and the penalty imposed;
  - affirm the conviction and substitute another penalty for the penalty imposed, except where a member has crossed a picket line that was a result of a labour dispute, in that case the National Convention cannot lessen the penalty imposed by the Local Union.

- reverse the conviction and order the Local Union to repay any costs incurred.
- E. The National Convention shall have the power to discipline National Officers and impose any or all of the penalties listed in Section 11B.

## Section 12 PROCEDURE

- A. Except as otherwise provided for in this Constitution, Robert's Rules of Order shall govern the conduct of all Conventions, National Executive meetings, Local Union meetings and Local Union Executive meetings.
- B. Amendments may be made to this Constitution by a majority vote of those delegates present at a Convention.

## Section 13 ORGANIZATIONAL YEAR

During the Organizational Year of the National Union, the following Sections shall not apply:

Section 7A, 7C Section 8A, 8B, 8C, 8D & 8E Section 9E.

All persons signing applications at the Founding Convention shall automatically become National Headquarters Members. The Founding Convention is vested with the power to grant charters. The Founding Convention shall have the authority to charter Local No. 1 and transfer those National Headquarters Members into said Local. At the Founding Convention of the National Union, a President, Vice-President, Secretary and Treasurer shall be elected by secret ballot vote of those members present. The member receiving the highest number of ballots cast shall stand elected.

The National Executive shall, during the Organizational Year, assume the responsibilities of all Committees. Those members present at the Founding Convention shall constitute a quorum for that meeting and a member shall be chosen by the meeting to tabulate each vote for which she/he is not a nominee. The Officers elected at this Founding Convention shall serve in office until the first regular Convention is held and elections for new officers completed.

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  - 2. obtaining membership through fraudulent means or by misrepresentation.
  - fraudulently receiving or misappropriating any property of the National Union or Local Union.
  - acting in collusion with the employer with a view to injuring the National Union or Local Union.
  - crossing a picket line established as a result of a labour dispute,

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  - recommend to the National Convention that she/he be expelled. Any member found guilty and recommended for expulsion shall be ineligible to hold office.
- C. The accused will have the right to appeal to the next National Convention and shall have the right to choose a member of the National Union to act as her/his counsel. However, the decision of the Local Union shall stand unless and until reversed on appeal.
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Section 7A, 7C Section 8A, 8B, 8C, 8D & 8E Section 9E.

All persons signing applications at the Founding Convention shall automatically become National Headquarters Members. The Founding Convention is vested with the power to grant charters. The Founding Convention shall have the authority to charter Local No. 1 and transfer those National Headquarters Members into said Local. At the Founding Convention of the National Union, a President, Vice-President, Secretary and Treasurer shall be elected by secret ballot vote of those members present. The member receiving the highest number of ballots cast shall stand elected.

The National Executive shall, during the Organizational Year, assume the responsibilities of all Committees. Those members present at the Founding Convention shall constitute a quorum for that meeting and a member shall be chosen by the meeting to tabulate each vote for which she/he is not a nominee. The Officers elected at this Founding Convention shall serve in office until the first regular Convention is held and elections for new officers completed.

#### Section 14 LOCAL UNION BY-LAWS

These Local Union by-laws shall be considered to be the by-laws of any chartered Local Union. Any amendments to the by-laws must be approved by the National Executive, except for filling in the blanks.

- A. Name: This Local Union shall be known by name as "The Service, Office, and Retail Workers Union of Canada" Local No. and shall hereinafter be referred to as the Local Union.
- B. Objects: The objects of the Local Union shall be the same as those of The Service, Office, and Retail Workers Union of Canada, as provided in Section 2 of the National Union Constitution.
- C. Jurisdiction: The jurisdiction of the Local Union shall be the same as that of The Service, Office, and Retail Workers Union of Canada as provided in Section 3 of the National Union Constitution except where it is otherwise determined by charter grant.
- D. Membership: Application for membership in the Local Union shall be made in writing and may be accepted from the applicant by a Local Union Officer or designated authority. Each person signing an application for membership and paying the initiation fee will agree to comply with the aims, principles and policies of the National Union. Upon acceptance of such application according to Section 4D of the National Union Constitution, the applicant shall be entitled to full membership status. The initiation fee of this Local Union shall be One Dollar (\$1.00) for each person wishing to become a member except where the laws or regulations of any Province or the laws and regulations of the Federal Government require a lesser or larger initiation fee, in which case the provisions of the laws and regulations shall apply, instead of and in place of the by-law requirement.

#### E. Local Union Executive:

- The Officers of the Local Union shall include but not be limited to the following: President, Vice-President, Recording and Corresponding Secretary, Financial Secretary-Treasurer, and two Trustees. Each certified unit shall be entitled to have at least one member on the Executive as member-at-large.
- The President shall be a member ex-officio of all Committees within the Local.

#### F. Election of Officers:

 A nominee for any office must be a member in good standing of the Local.

- 2. The nomination of Local Officers shall commence at the regular monthly meeting in \_\_\_\_\_\_ and close at the regular meeting in the following month. Annual elections of Local Officers shall be held by referendum ballot vote. At least fourteen days prior notice of an election taking place shall be given to the membership. The person receiving the largest number of votes in any election shall stand elected.
- Election of Local Officers shall be by secret ballot, except where only one person is nominated for an office, in which case no secret ballot shall be held. That person shall be elected to office by acclamation.
- 4. Each certified unit shall be entitled to elect their memberat-large to the executive by secret ballot and at a time and place to be agreed upon in advance with the Local Executive. The member-at-large may be elected at any time but elections must be held at least once annually.
- 5. The two Local Trustees shall be responsible for the fair conduct of the balloting in all local elections. In the event that there is no Local Trustee in a bargaining unit to supervise a referendum election, the Trustees shall appoint a responsible member of the Local to supervise the election. In the event that a Trustee is running for office and is therefore not available to act as a returning officer, the executive shall appoint a returning officer accordingly. No member running for office shall be eligible to act as a returning officer in that election. All candidates shall be allowed to scrutineer, or select someone to act for her/him as a scrutineer, at the counting of the ballots and at the polling station. The results of the balloting will be announced as soon as possible after the election in the Local. Any protest alleging "unfair ballot" or any other irregularity, must be presented in writing to the Corresponding Secretary of the Local within seven days of the results of the balloting being announced. Upon receipt of such protest, the Local Executive shall meet and if the protest is upheld, another ballot shall be conducted. All ballots and voting lists shall be held by the Trustees for a reasonable period after the election. A motion to destroy the ballots shall be in order at a subsequent local general membership meeting following the election.
- The elected officers of the Local shall normally assume their duties of office within seven days after the results of the balloting in the Local, unless a protest is lodged as under 5 above.

- Any Local Officer will have her/his office declared vacant if she/he misses three consecutive executive meetings without reasonable excuse.
- 8. Local by-elections shall be called by the Trustees when an office becomes vacant, unless such office becomes vacant within two months of the opening of annual elections, in which case the office shall remain vacant until the annual elections are held. By-elections shall be held by secret ballot at any Local meeting where the membership has been duly notified, or by referendum ballot vote.
- 9. A Local Officer may be recalled at any time by a majority of the votes cast in a referendum vote of the Local membership. After notice of motion has been duly given, and the approval of a referendum vote to recall has been obtained by a majority of the Local Union membership meeting, the vote to recall shall be held not earlier than seven days nor later than twenty-one days. Any vacancy on the Local Executive as a result of recall shall be filled by a by-election as in Section 8 above.
- 10. All cheques issued by the Local Union or the Local Union Executive shall require the signature of the Financial Secretary-Treasurer and one of the following: President, Vice-President, or Recording and Corresponding Secretary.
- 11. No agreements shall be entered into by any Local Union Officer which change any terms or provisions of an existing labour agreement unless approval has been granted by the membership of the bargaining unit concerned.
- 12. Applications for Certification and other legal documents shall be signed by the Local President and the Recording and Corresponding Secretary.
- 13. The election of the Local Representative to the National Executive shall be held at the same time and in the same manner as the elections of the Local Officers.

### G. Shop Stewards:

- The Local Union shall maintain a shop steward structure.
- 2. All shop stewards are to be elected on the job.
- 3. Shop Steward Committees shall be encouraged.

## H. Meetings:

 Meetings of this Local Union shall be held monthly at a regular time. Special meetings may be held at any time by a majority decision of the Local Union Executive or by a petition of 25% of the Local Union members or by decision of a regular local membership meeting.

- members of the Local Union shall constitute a quorum at any membership meeting. Meetings of the Local Union Executive shall be held monthly at a regular time and members of the Local Executive shall constitute a quorum at an executive meeting.
- All members in good standing shall have voice and vote at all Local Union meetings.

#### I. Dues and Finances:

Monthly dues shall be \$\for every member of the Local Union working an average of 20 hours or more per week. Dues for members who work less than 20 hours per week but more than 20 hours per month will be \$\frac{1}{20}\$.

Dues can only be changed by a two-thirds majority vote at a membership meeting, providing proper notice has been posted for at least fourteen days prior to the vote.

The Local Union shall have the right to levy on its members, for special purposes, one assessment of at most \$5.00, which shall be voted on by a two-thirds majority of the members at a membership meeting, providing notice of assessment has been posted for at least fourteen days prior to the vote. Further assessments shall only be levied as a result of a referendum ballot.

All monies in the hands of the Treasurer shall be deposited in the name of the Local Union and a complete record of all monies received and paid out shall be kept. There shall be a yearly audit. The Trustees shall be responsible for inspecting the financial records of the Local Union.

#### J. Strikes and Lock-outs:

A certified bargaining unit shall not strike without the approval of the membership in that unit. Voting shall be by secret ballot and a majority of votes cast shall be necessary for a strike to take place.

### K. Discipline:

Any member of the Local Union shall have the right to prefer charges against any member of the Local Union or any National Officer, according to Section 11 of the National Constitution.

#### L. Procedure:

- Except as otherwise provided in these Local Union by-laws and the National Constitution, Robert's Rules of Order shall govern the conduct of all Local Union meetings and Local Union Executive meetings.
- 2. Any of these by-laws may be amended by a majority vote

at a Local Union membership meeting provided that notice of motion of the amendments or changes has been posted at least seven days prior to the vote. Any amendments or changes to these by-laws shall only become effective upon approval by the National Union Executive.

 Charter Meeting: The method of election of Local Union Officers in a newly chartered Local shall be determined by the members at the charter meeting. The quorum shall be a majority of those members applying for charter.

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