

NABET-CWA LOCAL 21, BY-LAWS

2013

April 2013

Article I - NAME

The name of the Local shall be Local No. 21 (**CWA Local 51021**) of the National Association of Broadcast Employees and Technicians-Communications Workers of America, AFL-CIO-CLC, hereinafter called NABET-CWA.

Article II - MEMBERSHIP

- 2.1 The Local shall be composed of workers eligible for membership in the International Union, National Association of Broadcast Employees and Technicians, over whom the Local is granted jurisdiction by the International Union.
- 2.2 Eligibility for and acceptance into the Local Union shall be governed by the Sector By-Laws.
- 2.3 New member applications shall be subject to the approval of the Local Executive Board by majority vote. The Initiation Fee amounts and payment schedule, shall be as outlined in Article III. The Initiation Fee shall be retained by the local Treasury.
- 2.4 Membership rights and obligations are as outlined in the Sector By-laws or subject to uniform establishment and application by the Local Executive Board.
- 2.5 Prospective new members shall be welcomed as soon as practical when Officers and Stewards of the Local become aware of their presence at the work sites.

Prospective new members shall be given:

A. Welcome Packet: That includes background on the Union and its membership programs, Local Officers' names, an application for membership, billing and payment policies, Local and Sector By-laws. (A web site address with directions to download electronic versions of by-laws shall be deemed sufficient)

B. Station Information: A dues check-off form, and any current Collective Bargaining agreement specific to the station where hired. This may be added to the Welcome Packet, or delivered once the member is voted in by the Local executive board.

C. Membership Card: A temporary card shall be mailed with the Initiation fee bill, along with the Weingarten card. The permanent membership card shall be mailed after the Full Initiation Fee as been paid.

- 2.6 It is the duty of each member to become familiar with the supplied materials. Although Officers and Stewards should attempt to explain and interpret applicable contracts, by-laws and rules, the responsibility of familiarization lies with the member, not the Union official.
- 2.7 A General Membership Meeting shall be scheduled and publicized at least once a year. There shall be at least three weeks notice by posting on a bulletin board commonly used at the work site for union materials. An Emergency General Membership Meeting may be called by the Local President or his/her designee with at least 48 hours notice.
- 2.8 Any Contract Ratification Meeting or unit membership meeting shall receive at least 48 hours notice. Contract Negotiation Committees may call unit meetings for the purpose of advising or consulting unit members with less than 48 hours notice, however, no ratification vote may be taken until at least 48 hours notice has been made.
- 2.9 Minutes of any Local Executive Board Meeting or General Membership Meeting shall be made available to any member in good standing promptly upon application to the Local Secretary. Such minutes shall be routinely distributed to Local Executive Board members and to Sector officials. Financial summaries shall be available on an identical basis.
- 2.10 Any member of the bargaining unit may allege a violation of the Collective Bargaining Agreement. The Local Executive Board shall establish and maintain a procedure for investigating grievances and making recommendations on grievance adjustment. The ranking officer at each station shall supervise the grievance handling procedure at that station. If there is no ranking officer at a station, the Local Executive Board shall designate a member to handle grievances. The Local Executive Board shall be consulted promptly on any Grievance recommended for Arbitration. Staff Representatives, Sector Officers and legal staff shall be consulted as needed and consistent with established Sector policies.

Article III - INITIATION FEES, DUES AND PENALTIES

3.1 Local Initiation Fee:

Effective October 1, 2009, the Local Initiation Fee shall be one week's starting salary for all new members. A part-time employee shall pay his/her hourly rate multiplied by 30. A full-time employee shall pay his/her hourly rate multiplied by 40. An employee with a personal services contract shall pay his/her yearly total compensation divided by 52. The Fee shall be paid within three (3) months from date of the initial billing of the fee, except where check-off for initiation fee is available. If Check-off is available, the fee would be paid over time according to the negotiated agreement for check-off. In the alternative, the member may pay in equal installments of 20% per month, beginning 30 days after initial billing. If an installment payment is missed, the full balance shall be due within 14 days.

- 3.2 Should a member, who has only paid a partial Initiation Fee, become a full-time permanent employee within the Local Union or at any other Local, the difference between the amount already paid and a week's (40 hours) starting salary at the member's starting rate shall be owed to Local 21. Such amount shall be due in full within three (3) months of the initial billing.
- 3.3 Current dues and penalty payment procedures shall remain in effect unless changed by the Sector By-laws or by Local Executive Board action.

Article IV - LOCAL OFFICERS

- 4.1 The Local Union shall have the following Executive Officers:

President
Vice President
Chief Steward (s)
Treasurer
Secretary

(If one [1] of the Bargaining Unit Members from a station is not Local 21's President or Vice President or Treasurer or Secretary, a Chief Steward shall be elected to represent that station [or those stations]. The Chief Steward shall be Executive Officer over that station's Bargaining Unit Stewards.

4.2 The Local Executive Board shall consist of the following members:

- Local President
- Local Vice President
- Local Chief Steward (s)
- Local Treasurer
- Local Secretary
- Each of the elected Group Stewards

Any elected Steward is automatically a member of the Local Executive Board. The Stewards shall be elected From the Groups which they are to represent, with the members of each Group nominating and electing members of their own choice, by secret ballot.

The Groups of Local 21 to date are:

A) WRGB

1. WRGB Daytime Control Room / Audio-Visual
2. WRGB Nighttime (second shift) Control Room
3. WRGB News Photographers
4. WRGB Maintenance Engineering

B) WNYT

1. WNYT Transmitter/Maintenance
2. WNYT Engineering (day shift)
3. WNYT Engineering (night shift)
4. WNYT Production (Camera, Announcers, Directors, Art Department, Commercial Photographer)
5. WNYT News Photographers
6. WNYT News Reporters and Editors
7. WNYT News Producer
8. WNYT Anchor

C) WMHT/WMHQ/WMHT-FM

1. WMHT Engineering
2. WMHT Production

If no member chooses to serve as Group Steward within a job classification, then a member from another job classification can be elected or appointed to serve the term of office. For the purposes of apportioning stewards, Officers and Chief Steward(s) shall be counted as group stewards for the most appropriate position and that group steward position shall be otherwise unfilled.

4.3 In order to be eligible for election to the Executive Board, a candidate must have been a member in good standing for a period of one (1) year immediately prior to the election, with the exception of newly organized units.

4.4 Normally the date of the next Executive Board meeting shall be set by the Local President at the current Executive Board Meeting, subject to the approval of a majority of the members present.

Executive Board meetings may be called with at least 48 hours notice by the Local President or a majority of the Executive Board. Notice must be posted at all work sites for at least 48 hours prior to any such meeting. This provision shall only be exercised as a matter of last resort.

4.5 Any member in good standing may attend any meeting of the Local Union. The President of the meeting shall recognize members for purposes of speaking in a way so as not to disrupt the normal meeting procedure. Motions or calls to vote may only be made by Local Executive Board members. Should a meeting devolve into disorder, the President may require that disruptive members not on the Executive Board be removed. The Local Executive Board may extend a courtesy to non-members and allow observation, however, this courtesy is at the option of the Board and may be revoked at any time.

4.6 Minutes shall be taken of all Executive Board meetings, and a copy of the minutes shall be given or mailed to each member of the Local Executive Board, the Sector Office, appropriate Sector Officers and the Regional Vice President. Copies of the minutes of the Executive Board meetings shall be available at the next regularly scheduled General Membership meeting.

4.7 A simple majority of the Local Executive Board members present at an E-Board meeting shall constitute a quorum. It shall require the approval of two-thirds (2/3rds) of the members present of the Local Executive Board to amend, change, add or delete any local by-law.

4.8 Effective October 1, 2013, the following Local Officers shall

receive payment of miscellaneous unaccountable expense monies according to the following schedule:

Local President	\$3,300.00 per year
Local Vice President	2,800.00 per year
Local Chief Steward	(see below)
Local Treasurer	3,000.00 per year
Local Secretary	2,800.00 per year
Local Stewards	460.00 per year

Officers and Stewards are expected to attend Executive Board meetings. It is expected the individual will attend at least one (1) meeting every quarter (1/4) year to receive payment. The Executive Board will consider waivers of this provision on a case-by-case basis.

The yearly listed amounts provided herein shall increase 2% on October 1st of every subsequent year beginning in 2010 unless subsequent action is taken to change this provision as provided in these By-laws, the Sector rules of NABET-CWA, and/or the Constitution of CWA

A Chief Steward shall be paid \$100.00 per year for each member of his/her station's bargaining unit, capped at \$2,800.00 per year. For purposes of determining compensation for this provision only, free lance employees at the station shall be counted as members provided they regularly pay dues or agency fees. The Local Executive Board shall review the roster of members and free lancers at the Chief Steward's station each September to determine the proper rate of pay for the following fiscal year.

Article V - STEWARDS

- 5.1 There shall be elected from each Group a Steward as set forth in Article IV of these Local By-Laws
- 5.2 In the event that there is no President or Vice President elected from a particular station unit's Groups, then there shall be an election held for the position of Chief Steward, to serve as the Chief elected officer for the station's groups. He shall rank with the Local Vice President of the Local. The duties of the Chief Steward shall be:
 - A. To sign up new members, get an application form to each person for his or her signature, and make certain that they sign dues check-off authorizations and file them with their station's payroll department. All checks, monies and applications for membership should be mailed or given to the Local Treasurer.
 - B. Give all new members a Membership Kit.
 - C. Inform the Local Treasurer immediately when a member leaves the Local.

- D. In the case of illness for which a member of the Local is hospitalized or there is a death in the immediate family of any member, to inform the Secretary & Treasurer of the Local of the facts so that appropriate action may be taken to offer some benefit to the member.

5.3 The duties of a Steward shall be as follows:

- A. To become thoroughly familiar with all of the provisions of his unit Contract. Know and understand Grievance Procedures. Receive complaints and thoroughly investigate grievances.
- B. Encourage members under his jurisdiction to remain in good standing with the Union.
- C. To attend all Executive Board meetings and General Membership meetings whenever possible.
- D. Assist in the collection of dues.

Article VI - RESIGNATIONS

- 6.1 Resignations from any Local Officer should be submitted to the Local Executive Board.

Article VII - ELECTIONS

- 7.1 Current Officers and Stewards shall remain in office through Sept. 30, 2011. Subsequently, elections shall be conducted every three years so that potential run-offs may be conducted and winners seated by Oct. 1. This three year period is chosen to coincide with CWA procedure. Should that change, future local election policy shall change to agree. The process of electing the Local President shall simultaneously elect the Local's delegate to all Sector Conferences, Regional Advisory Boards, CWA Conventions and CWA District Conferences. The process of electing the Local Vice President shall simultaneously elect the Local's alternate delegate to all Sector Conferences, Regional Advisory Boards, CWA Conventions and CWA District Conferences. Should the Local President choose not to attend the above listed meetings or be unable to attend the meetings, the Local shall elect a delegate in accordance with specified by-law election procedures. The Local Executive Board may also elect alternate

delegate(s) in accordance with the appropriate provisions of the CWA Constitution, NABET-CWA Sector By-Laws or Local By-Laws. The Local may also appoint observers as it chooses. The Local Executive Board retains control over expenses involved.

- 7.2 Any candidate who so requests of the Local Secretary or Treasurer shall be supplied promptly with an accurate list of Local 21 members. This list shall include names, addresses, and bargaining unit. There shall be no charge made for this information. If a candidate requests, and if the Secretary or Treasurer has the computer capability the addresses shall be printed on mailing labels suitable for the candidate's use. The candidate shall pay the cost of mailing label stock, but will not otherwise be charged for this service.
- 7.3 Nomination petitions for local officers and stewards shall be prepared by the Local Secretary and posted at all appropriate work sites. Any contested races shall be decided by secret ballot sent to the appropriate members.
- 7.4 The election of Officers, Chief Stewards, Stewards, Delegates, and alternate delegates to Conventions and Conferences shall be by Secret Ballot of the members in good standing. The Nominee in any election receiving the majority of votes cast, shall be elected. If no one nominee receives the majority on the first ballot, a run-off election shall be conducted and the 2 nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot. If no one nominee receives a majority on the first ballot and there is a tie for second place, a run-off election shall be conducted and the person receiving the greatest number of votes on the first ballot and the persons who tied for second place shall be the nominee on the second ballot.
- 7.5 The elections shall be held by secret ballot. The secret ballot shall consist of a ballot, a plain unmarked envelope and a second (2nd) envelope which is addressed to either the Local Secretary or to the Chairman of the Election Committee, and which bears the name and address of the person casting the ballot in the upper left hand corner of the envelope. Upon receipt of the ballot, the person who is an eligible voter shall mark the ballot, seal it in the plain unmarked envelope, and then put this unmarked envelope into the second (2nd) envelope which has the voter's name in the upper left hand corner and seal it. Then the envelope shall be mailed to the person named for receipt of the ballots in the ballot instructions. Each ballot shall show the issuing date, the due date, directions for casting the ballot, instructions for returning the ballot, including the name and address of the

person to whom the ballot is to be delivered or mailed, as well as any other pertinent information. Only active members in good standing shall receive a ballot.

- 7.6 The ballots must be counted within five (5) days of the due date of the ballots. Before opening any ballots, the Election Committee shall verify the names on the upper left hand corner of the outside envelope and check each name with the eligibility list furnished by the Local Treasurer to ascertain that only qualified members in good standing have voted. Also, before opening any ballots, the Election Committee shall use all possible diligence to determine if all members eligible to vote have returned their ballots, and to check with any members whose vote is not received by the due date to make certain that the member had an opportunity to vote. Any member who so wishes may observe the opening and counting of the ballots and may inspect the Voter Eligibility List
- 7.7 Any member in good standing may challenge the legality of any election by making a complaint in writing to the Executive Board, with a copy to the Election Committee, within thirty (30) days of the due date of the ballots. The Executive Board shall act with dispatch upon any such complaint, shall make a full investigation of the charges and report their findings to the Local membership.
- 7.8 The Election committee or local Secretary, shall retain all ballots and the envelopes pertaining thereto, separately, for a minimum of one (1) year after the due date of the election ballots. If no complaints pertaining to the election have been filed in writing within that time, the ballots and envelopes will be destroyed after the waiting period outlined in current labor law.
- 7.9 No member may be a candidate for more than one elected position at a time. However, any member currently holding an office or position may run for one other office or position, provided she/he meets eligibility requirements as previously specified. No member may hold more than one Local office or position at a time. For the purposes of this section, delegate or alternate delegate to the Sector Conference shall not be considered a Local office or position.
- 7.10 The procedure specified in 7.4 shall not apply in an election in which there are only two candidates. In any two-person contest, the winner shall be the candidate receiving a simple majority of votes properly cast. In the event of a first-ballot

tie, there shall be a second ballot. If that ballot also produces a tie, the winner shall be determined by lot.

Article VIII - GENERAL

8.1 The Local shall meet any bonding requirements as specified by the CWA Constitution and policies, NABET-CWA By-Laws and policies, and as required otherwise by federal or local law. An annual audit of local's finances shall be performed in accordance with the CWA Constitution and NABET-CWA Sector By-Laws.

8.2 Local officers authorized to sign local checks are The President, Vice-President, Secretary, and Treasurer. All checks of the Local shall have at least two of the four Officers' signatures.

8.3 Except where specifically provided elsewhere in these By-Laws, the CWA Constitution, or the Sector's By-Laws, the Local President shall serve as delegate to meetings, conventions, etc. The President shall promptly advise the Executive Board when he is invited to any meeting requiring out-of-town travel, and discuss with the Board the distribution of any expenses involved. The Executive Board may choose to send alternate delegates and/or observers, giving priority to the Vice President and secondary priority to an officer at any other unrepresented station(s). The Executive Board shall determine whether it is appropriate to send one or more representatives to any meetings, considering factors including expense, agenda, and previous experience.

If the main delegate, who will usually be the Local President, subsequently determines he will be unable to attend, the alternate delegate, if any, shall assume the responsibility.

8.4 Business shall be conducted in accordance with Roberts Rules of Order, except where superseded by the Sector By-Laws and By-Laws.

8.5 REMOVAL OF ANY OFFICER:

Refer to Article VIII, Section 8.16 of the Sector By-Laws and By-Laws.

- 8.6 The Local Executive Board shall investigate fully when an Officer of Local #21 is considered unable to act in his office. The Local Executive Board will determine the facts and recommend to the General Membership the disposition of said investigation.

Article IX - MEMBERS LEAVING THE LOCAL

In the event that a member of the Local, who is in good standing and providing that he is a contributing member of the Local, he shall be entitled to a farewell gift in accordance with the following schedule:

- A. A member leaving the Local having at least three (3) years but less than five (5) years as a member of the Local shall be entitled to a gift not exceeding twenty-five dollars (\$25.00).
- B. A member leaving the Local having at least five (5) years but less than ten (10) years as a member of the Local shall be entitled to a gift not exceeding fifty dollars (\$50.00).
- C. A member leaving the Local having at least ten (10) years but less than twenty (20) years as a member of the Local shall be entitled to a gift not exceeding one hundred dollars (\$100.00).
- D. A member leaving the Local having more than twenty (20) years as a member of the Local shall be entitled to a gift not exceeding one hundred-fifty dollars (\$150.00).

For Members who joined prior to January 1st, 1988, and who are leaving in good standing, may receive either the actual amount credited in the benefit fund plus \$150 gift, or two times the \$150 gift, whichever is greater.

People who become members after January 1st, 1988, may receive Two (2) times the above specified gift.

Article XI Investments

INVESTMENTS: Money accumulated in the Emergency and Benefit Funds and in years during which the Local operated in surplus should be

preserved and invested conservatively. A portion may be placed in Growth mutual funds or other moderate investments. At no time should any portion of the Local's money be placed in speculative or generally risky investments. All investment decisions must be approved by the Local Executive Board with preservation of capital the primary motivation.

ARTICLE XII Ratification Votes

- 12.1 Forty-eight (48) hours notice posted on Union bulletin board(s) of the bargaining unit involved shall be provided for contract ratification meetings. The Chief Steward or ranking officer shall notify the Local President of any scheduled meeting before it is held. Failure to notify the membership and/or the Local President shall be sufficient grounds for the Executive Board to set aside any action taken.
- 12.2 Any contract ratification vote shall be made by secret ballot.
- 12.3 A member must attend the meeting in order to vote.

ARTICLE XIII Effective Dates

- 13.1 Unless otherwise provided in these provisions, these By-laws shall take effect when approved in accordance to regulations currently in effect and shall immediately supersede those provisions.
- 13.2 Should any provisions be rejected by the Sector President, found not in conformance with Sector By-laws or by any Court of Law, all remaining provisions shall remain in effect and the Local Executive Board shall take prompt action to cure the section(s) that have been rejected.



**BY-LAWS
NABET-CWA**

LOCAL 21