

# **NAGE**



**MEMBERS FIRST**

# **2022 NATIONAL CONVENTION**

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## **Convention Call**

# 2022 NAGE NATIONAL CONVENTION AND ELECTION TIMELINE

February 21, 2022	Letter from the National President to Local Presidents regarding the 2022 National Convention and Election of National Officers.
March 7, 2022	Convention Call mailed to Local Presidents.
July 1, 2022	Good Standing verification date for Calculation of Voting Strength cut off date for new locals to join NAGE and be eligible to participate in the convention.
July 6, 2022	Local Units shall all complete election of delegates (if necessary) and Certification of all delegates by this date. All delegates Certification forms must be received by NAGE Election Officer by this date.
July 7, 2022	NAGE Election Officer shall complete verification of good standing for all delegates as of this date.
July 8, 2022	NAGE Election Officer will complete convention mailing to all duly elected delegates. The mailing will include Nomination and Acceptance Forms, Nomination Instructions and Convention Rules and Regulations. The mailing will also include information pertaining to travel, accommodations and a proposed agenda.
July 25, 2022	Deadline for submitting eligibility challenges and election protests regarding delegate section.
July 27, 2022	All Nomination and Acceptance Forms must be received by the NAGE Election Officer by this date. Nominations by slate of individual nominations must be accompanied by an acceptance form in order to be valid.
August 8, 2022	Verification of Good Standing of Eligible Candidates must be completed by NAGE Election Officer. A list of eligible candidates will be posted on the NAGE website.
September 3, 2022	Deadline for candidates to withdraw their nomination for office. Must be in writing to the NAGE Election Officer.
September 10, 2022	Printing of Ballots for Election of National Officers.

## **GREETINGS**

You are hereby notified that, pursuant to the NAGE National Constitution and By-Laws and the Constitution and By-Laws of the Service Employees International Union, the 2022 NAGE National Convention will be held at the Bally's Hotel & Casino, Las Vegas, NV. The Convention will begin on Tuesday, October 11, 2022, and will continue in session from day to day until the business of the Convention shall be completed ending no later than Thursday, October 13, 2022. The business of the Convention shall include, but is not limited to, the election of NAGE National Officers and amendments to the NAGE National Constitution and By-Laws. The term of office for National Officers shall be four (4) years. The election will be conducted by delegates, by roll call vote at the Convention.

Please carefully review the contents of this correspondence as it contains important information regarding the nominations and election of NAGE National Officers.

## **ELECTION OFFICER**

Please be advised that Bernie Flynn, who presently serves as the Chief of Staff for NAGE, will serve as the Election Officer for the NAGE National Convention. Mr. Flynn will oversee the election and supervise all mailings related thereto. Mr. Flynn will ensure that local units adhere to DOL policies and procedures pertaining to delegate selection. He will rule on matters related to the Convention, including rulings on challenges. He shall tally the votes cast and certify in writing the results of the election of NAGE National Officers.

## **DELEGATES**

Each local unit in good standing shall be entitled to one vote for each ten members or fraction thereof, regardless of the number of its Convention delegates. Votes shall be calculated based on the number of members in good standing as of July 1, 2022.

This Convention shall follow the SEIU basis of convention representation found in Article IV, Section 4 of the SEIU Constitution, which also appears in Article VI of the NAGE National Constitution and By-law and states as follows:

The basis of representation shall be one (1) delegate for 500 members or less, and (1) additional delegate for every additional 500 members or fraction thereof.

For the purposes of voting, the computation of membership for a local union shall not include life members, retired members paying less than the full dues required for working members of their local union, associate members, or agency fee payers.

In addition to a local union's delegates and alternate delegates, a local union is entitled to bring guests. All expenses for the delegates(s), alternate delegates(s) are the responsibility of the local union.

Per the SEIU Constitution and By-Laws, PROXY VOTING IS NOT ALLOWED. (i.e. the assignment of a local's votes to another local who is sending a delegate).

## **EXPENSES FOR DELEGATES**

In addition to the local union's delegate(s) and alternate delegate(s), a local union is entitled to bring guests. All expenses for the delegate(s), alternate delegate(s), and guest(s) are the responsibility of the local union.

Please be advised that pursuant to a vote of the Executive Board, the registration fee for delegate(s) and alternate delegate(s) attending and participating in the NAGE National Convention will be \$250.00 per delegate or alternate delegate.

## **DELEGATE DECISIONS**

*The membership of a local union shall determine the number of voting delegates which shall represent it at the convention.* Pursuant to the NAGE National Constitution and By-laws Article VI Section 5, local presidents elected by secret ballot during the last three years are *ex officio* delegates to the National Convention. If the total number of officers is greater than the number of delegates allowed, then officers shall attend as delegates in the order listed in the local's by-laws, or in the absence of local by-laws as follows: President, Executive Vice President, Secretary, and Treasurer.

In the event each of these officers declines to be a delegate, the local may hold a delegate election under the rules promulgated by the U.S. Department of Labor for Delegate Elections.

Each local where elected officers decline to be delegates will provide a nominations notice, announcing the nomination for delegates at a meeting (either regularly scheduled or special) at which the first order of business will be to decide whether or not to send delegate(s) and/or alternate delegate(s). Once that decision is made, nomination of delegate(s) and alternates will ensue.

If the local decides not to be represented, nominations will be moot and a certification form will be signed and returned to NAGE. Similarly, if the local decides to send and nominate delegates, or if ex-officio delegates exist, a specific certification form will be signed and returned to NAGE. For the purpose of this election, all quorum requirements will be suspended. NAGE will rely on self-certification whenever possible in locals with fewer than 50 members, and will be in telephone contact with those locals. On-site certification in certain instances may be provided.

In the case of national locals special arrangements may be necessary for mail ballot delegate determination and nominations.

The cutoff date for locals to join NAGE and participate in the delegate selection process will be July 1, 2022. Any local joining NAGE after this date will be unable to be represented by a delegate at the Convention.

## **REPRESENTATION**

The NAGE Constitution and By-laws provide that those union officers elected by secret ballot by their membership may also be voting delegates if the Constitution and By-laws of the local union so provides. Therefore, local union officers elected in an election conducted in conformity with the LMRDA may, by virtue of such election, serve as regular delegates during their term of office if the local union's constitution and by-laws so provide.

If a local union's constitution and by-laws dispense with the provision that local union officers are automatically considered delegates to the National Convention, or the constitution and by-laws are silent with regard to the selection of delegates, then the local union must provide for nomination and, if necessary secret ballot election up to the maximum number of delegates to which the local is entitled.

If a local's constitution and by-laws provide that officers serve as delegates and the local union finds that it is entitled to fewer regular delegates than its number of duly elected officers, or if the local membership simply decides to send fewer regular delegates than its number of duly elected officers, regular delegates shall be selected among the officers in accordance with the order so designated in the local union's constitution and by-laws. In the absence of local by-laws, duly elected local officers shall serve as delegates in the order set forth by the National Constitution and By-Laws Article VI Section 5(E): President, Vice President, Secretary, and Treasurer.

If the local union finds that it has been allocated more regular delegates than the number of duly elected officers, then arrangements may be made at the option of the membership for nomination, and if necessary, secret ballot election for the additional number of authorized regular delegates. Such secret ballot vote of the membership shall be conducted in accordance with applicable law and constitutional provisions. Alternatively, the local union may

choose not to send the additional number of delegates (above the number of its designated officers) to which it is entitled.

In the event that the NAGE determines that ex-officio officers have not been elected in accordance with the LMRDA (secret ballot, proper notice, etc.), then nominations and election of delegates will be required. This will be determined by NAGE personnel on a case by case basis, and will involve review of union records relating to the election.

### **ALTERNATE DELEGATES**

In addition to the selection of regular delegates as discussed above, a local union may in the same manner provide for the selection of such alternates as it may determine are reasonably required to serve if the regularly elected delegates are unable to do so.

### **ELIGIBILITY REQUIREMENTS OF DELEGATES**

To be eligible for nomination as a NAGE regular delegate or alternate delegate (or as an officer who will automatically serve as a regular delegate), a person must be a member in continuous good standing in NAGE for one year preceding the nomination. To be eligible to nominate, a member must be a member in good standing in NAGE.

Good standing requires the payment of dues, assessments, if any, and any other charges owed to the local within the month they are due. A member in good standing whose dues have been checked off by the employer may not be disqualified from voting because of any delay or failure by the employer to send dues to NAGE. Members who cure any delinquencies shall be treated in good standing as of the date they make the required payments. Insofar as members are on dues check-off and NAGE does not normally notify members of dues arrearages, nor do they suspend members for non-payment of dues, for the purposes of making nominations all members will be considered to be members in good standing. The good standing of duly elected delegates will be checked against NAGE membership records as soon as delegate certification forms are received to ensure that they meet the one year member in good standing requirement. Any local with questions regarding the good standing of delegate candidates are urged to contact NAGE prior to the nominations meeting.

An elected delegate must be a member in good standing of NAGE, but need not be a member of the local union electing him/her as delegate. However, no delegate shall be permitted to represent more than one local union.

Section 401(e) of the LMRDA provides that every member in good standing shall be eligible to be a candidate and to hold office subject to reasonable rules uniformly imposed and to Section 504 of the LMRDA. Section 504 prohibits persons convicted of certain crimes, such as robbery, bribery, extortion, etc., from holding union office for a period of 13 years after conviction or the end of imprisonment, whichever is later.

### **NOMINATION AND ELECTION OF DELEGATES**

#### **Nomination Procedures Pertaining to Delegate(s)**

Section 401(e) of the LMRDA provides that all members in good standing be given a reasonable opportunity to nominate delegate candidates of their choice. It also requires that the procedures followed in making nominations be in accordance with the union's constitution and by-laws insofar as they are not inconsistent with the requirement for reasonable opportunity to nominate.

To meet the requirements of Section 401(e), a union must give timely, reasonable notice of the offices to be filled in the election as well as the time, place, and form for submitting nominations.

Notice of nominations must be posted at all worksites at least ten (10) days before the date of such meeting. (Also, locals are encouraged to publicize such meetings via other methods, including any regular interoffice mail or email).

Locals that are statewide or national, where a membership meeting is not feasible may be required to conduct mail ballot delegate decision and nomination meeting in order to provide the membership with a reasonable opportunity to participate in the process.

Provisions for written nominations will be made available to all local members. Nominations may be made in writing prior to the nomination meeting by submitting written nominations to the local's chief executive officer, or any other officer appointed to run the nomination process. Said provision will be contained in all nomination notices. Self-nomination will be allowed. No seconds for any nomination will be required, but nominees are free to choose not to accept nomination.

### **Election Notice Pertaining to Delegate(s)**

Section 401(e) of the LMRDA provides that in any election required to be held by secret ballot, a union must mail a notice of election to each member at his/her last known home address not less than fifteen (15) days prior to the election. The notice must specify the date, time, and place of the election and the offices to be filled.

The local units should complete the Nomination of Delegates by July 6, 2022. All delegate Certification Forms must be received by the NAGE Election Officer by this date.

### **ELIGIBILITY CHALLENGES AND ELECTION PROTESTS**

Any member of NAGE who wishes to challenge a decision on delegate eligibility rendered by a local unit must file a written appeal with the NAGE Election Officer within seven (7) days of the decision. The appeal shall set forth the reason why the member believes the decision of the local unit was incorrect.

Bernie Flynn  
**NAGE Election Officer**  
159 Burgin Parkway,  
Quincy, MA 02169  
*Tel.:* (617) 376-7285  
*Fax:* (617) 472-7566  
*Email:* [\*\*bflynn@nage.org\*\*](mailto:bflynn@nage.org)

In all other matters, any member of NAGE who wishes to file a protest regarding any conduct in the selection or election of Convention delegates may do so by filing with the NAGE Election Officer within seven (7) days of the event or circumstance giving rise to the protest. The protest must be in writing and set forth the reason for the protest, along with the protesting member's name, address, and telephone number.

### **CERTIFICATION OF DELEGATES**

The local unit Treasurer (or any officer acting in that capacity) shall review and certify that the delegate(s) and alternate delegate(s) have been properly selected pursuant to the NAGE Constitution and By-laws and these rules, and transmit a list of those delegate(s) to the NAGE election officer. All certification forms should be completed and received by July 6, 2022.

Each delegate or alternate delegate must present personal identification at the time of Convention registration to officially register as a voting delegate and ensure admittance to the Convention. Acceptable identification will include a driver's licenses or any other identification issued by a state or federal body. Only delegates certified by NAGE will be eligible to register. Upon certification, delegate credentials will be issued at the Convention.

The failure of any local to send to the Convention all delegate(s) to which it is entitled shall not constitute a basis for challenging the credentials or seating of those delegate(s) sent or otherwise attending the Convention from

that local.

Convention registration will begin on the afternoon of October 10 (Monday) and continue until the close of business on October 13 (Thursday).

### **NOMINATION, CAMPAIGN AND ELECTION PROCEDURES OF NATIONAL OFFICERS**

The election of NAGE officers will be conducted by a vote among elected delegates. No member or candidate for nomination shall be eligible to hold two national offices in NAGE, or to run for more than one office in NAGE at any one time.

Successful candidates shall be elected by a plurality of votes among ballots cast for each office. Write in candidates and proxy voting shall not be permitted.

Candidates for NAGE office must be members in continuous good standing for two years, but need not be delegates to the Convention.

If candidates for National office are unopposed, the nominees for said offices and positions shall be deemed elected without the need for further procedure.

### **NOMINATIONS OF NATIONAL OFFICERS**

Specific procedures for submitting nominations will be mailed to delegates upon receipt of delegate certifications. Nominations shall be conducted among elected delegates by mail commencing July 27, 2022. Delegates will be able to make nominations by mail to a specially designated post office box provided by NAGE, access to which will be limited to Bernie Flynn NAGE Election Officer. The deadlines for written nominations to be received shall be July 27, 2022. Nominations will not need to be seconded, but an acceptance of nomination form must be signed by the nominated member and received by the NAGE Election Officer by this date. A list of nominees will be posted on the NAGE website as soon as the eligibility of nominees is certified by the NAGE Election Officer.

### **CAMPAIGN PROCEDURES**

The LMRDA requires that all candidates be treated equally with respect to the opportunity to campaign. Section 401(g) provides that any monies received by NAGE or any other labor organization by way of dues, assessments, or similar levy, or monies of any employer may not be used directly or indirectly to support the candidacy of any person in an election of union officers. This prohibition extends to equipment, vehicles, office supplies, records, and personnel of NAGE and any other labor organization and to employers, whether or not they employ NAGE members. Union officers and employees may not campaign on time that is paid for by the union. Candidates should maintain records of all campaign expenditures.

Section 401(e) provides that members may not be subjected to penalty, discipline, or improper interference or reprisal of any kind in the exercise of their right to support the candidate of their choice.

### **Inspection of Membership List**

The LMRDA provides that once within 30 days of an election, every bona fide candidate will have the right to inspect (not copy) a list containing the names and last known addresses of all members subject to a collective bargaining agreement. Requests to review the membership list must be made directly to Bernie Flynn, NAGE Election Officer.

### **Distribution of Campaign Literature**

Section 401(c) of the LMRDA provides that a union must comply with all reasonable requests by any candidate to distribute campaign literature at the candidate's expense.

Requests must be made to Bernie Flynn, NAGE Election Officer. Mailings to segments of the NAGE membership

will be made available upon request.

NAGE will not publish any campaign material in their newsletters, nor make space available on their website. Nominees for office will be allowed equal access to address the delegates at the Convention for campaign purposes. In the past, such access has been limited to a three (3) minute speech.

### **ELECTION OF NATIONAL OFFICERS**

Bernie Flynn, NAGE Election Officer, will prepare a ballot for use during the roll call vote by delegates for the election of officers. Voting by slate will be made available on the ballot.

The candidates in contested elections shall be listed on the ballot in alphabetical order under each office. Candidates associated with a slate shall be designated as members of that slate next to their name on the ballot. Candidates and their observers may be present during the printing of ballots to be used during roll call voting.

Voting for each contested office shall be by open roll call and the marking of roll call ballots by each delegate. During roll call voting NAGE Election Officer Bernie Flynn shall be the presiding officer of the Convention.

### **Calculation of Voting Strength**

Voting strength of each local shall be calculated by Bernie Flynn, NAGE Election Officer, based on the local's per capita membership as of July 1, 2022. A local shall receive one (1) vote for every 10 members. Each delegate from a local will be allocated an equal number of votes based upon the total votes allotted to the local pursuant to the July 1, 2022, per capita membership. Delegates must be on the floor and present during roll call voting in order to cast their votes. If a member is absent from the floor during the roll call, his or her votes shall be allocated equally to other local delegates present and voting. The Election Officer shall make the calculation of the voting strength of each local and the distribution of votes per delegate.

### **Observers**

Section 401(c) guarantees the right of a candidate to have an observer at the counting of ballots. Observers must be able to see every phase of the election process. Observers may be present to observe the ballot preparation, ballot mailing, and the ballot pick up and tally. The Election Rules will state when these events will occur. Candidates should be proactive and should come forward to the Election Supervisor and/or the Election Judge with any observer request and should not wait for an invitation. Candidates may be their own observer.

### **Certification of Results.**

Bernie Flynn, NAGE Election Officer, shall tally the votes and certify in writing the results of the election.

### **Installation of Officers**

Installation of officers will occur at the Convention following the vote and certification of the results, or within 30 days after the Convention. The term of office shall run from November second (2nd) of the Convention year through November first (1st) of the following Convention year

### **Publication of Results**

NAGE will publish the election results on its website as soon as practicable after the Convention.

### **Preservation of Records**

Section 401(e) of the LMRDA requires that the ballots and all other election records be preserved for one year.

### **Election Protests**

Any member in good standing may protest the supervised election for valid cause; such protest should be made directly to the NAGE Election Officer Bernie Flynn in writing at any time before, during, or within ten (10) days

after the election.

## **ELECTION INFORMATION**

It should be clearly understood that all phases of the nominations and election for NAGE delegates and National Executive Board Officers are subject to Department of Labor Regulations. No aspect should be conducted without prior consultation with and approval by the Election Officer or his designated representatives.

It should also be noted that the rules and procedures herein are not all inclusive. Additional rules may be promulgated as needed during the nomination and election period.

Please be advised that Bernie Flynn NAGE Election Officer will publish "Convention Rules" which will specifically address the conduct of the NAGE Convention, and said rules will be provided to the local units prior to the commencement of business at the Convention.

Local Units with questions regarding any aspect of the election of local unit delegate(s) and alternate delegate(s) or the nomination and election of NAGE officers should direct those inquiries to Bernie Flynn, NAGE Election Officer, who may be reached at:

Bernie Flynn  
**NAGE Election Officer**  
159 Burgin Parkway,  
Quincy, MA 02169  
*Tel.:* (617) 376-7285  
*Fax:* (617) 472-7566  
*Email.:* [\*\*bflynn@nage.org\*\*](mailto:bflynn@nage.org)

## **PROPOSED AMENDMENTS TO THE NATIONAL CONSTITUTION AND BY-LAWS**

All proposed resolutions and proposed amendments to the NAGE National Constitution and By-Laws must be submitted by a NAGE local union to the NAGE National Executive Committee at least thirty (30) days in advance of the Convention, except that proposed resolutions and amendments not so submitted may be considered by the Convention upon unanimous consent of the delegates present. Three copies of each proposed resolution and amendment should be submitted to the NAGE National Executive Committee. The NAGE National Executive Committee may present proposed resolutions and constitutional amendments to the Convention at any time during the Convention without the requirement of unanimous consent. Amendments and resolutions shall be considered adopted upon a majority vote.

## **REGISTRATION MATERIALS**

Registration materials will be forwarded to delegates after they have been certified. The materials will include registration documents, Convention agenda, as well as other information regarding travel and hotel reservations.

Please contact Tara Lane with any questions or concerns about registration, travel arrangements, and/or hotel reservations.

Tara Lane  
NAGE Headquarters  
159 Burgin Parkway  
Quincy, MA 02169  
*Tel.* (617) 376-7254  
*Fax.* (617) 472-7566  
*email.* [\*\*tlane@nage.org\*\*](mailto:tlane@nage.org)