

NAGE Local R1-168/MWRA UNIT-3

CONSTITUTION AND BY-LAWS

(As amended January 2007)

Spelling corrections by Todd DeCost, March 1, 2022

## ARTICLE I Organization

### Section 1, NAME:

This organization shall be known as MWRA Local RI-168 of the National Association of Government Employees.

### Section 2, Organization:

This Local shall be organized and conducted within the framework of these Local Constitution and By-Laws and the Constitution and By-Laws of the National Association of Government Employees.

## ARTICLE II Membership

### Section 1, Eligibility:

Subject to the provisions of this article any person shall be eligible for membership in this organization who is (I) employed by the Massachusetts Water Resources Authority (including titles which from time to time may be added by the Labor Relations Commission) (II) pays all dues and maintains his or her dues on a regular basis with the Union.

### Section 2, No Discrimination:

There shall be no discrimination against any member or any applicant for membership by reason of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age, or disability.

### Section 3, Application:

Any individual desiring membership in this Local shall complete and sign a prescribed application form which shall authorize automatic dues deductions.

### Section 4, Reinstatement:

No person may become a member of Local 168 who has at any time been found guilty of any conduct violative of Article of these Local By-Laws or Article XU of the National Association of Government Employees titles "Discipline of Locals and Members." Without obtaining a waiver of these provisions by the Executive Board of the Local Unit and the National Executive Committee.

### Section 5, Good Standing:

A member who maintains his/her dues on a current basis will be considered a member in good standing.

### Section 6, Retirement:

A member upon retirement or separation from employment is entitled to become a retired member. Such retired member can attend local Meetings but may not vote or hold local

office, unless he/she is a full dues paying member in good standing and has received a waiver from the National Executive Committee.

### ARTICLE III

#### Officers

Officers of this Local shall be:

President  
Executive Vice President  
Western Regional Vice President  
Central Regional Vice President  
Eastern Regional Vice President  
Secretary  
Treasurer

The above shall constitute the governing body of this Local and shall be called the "Executive Board."

### ARTICLE IV

#### Special Boards

##### Section 1, Board of Audit:

The books and records of this Local shall be audited at least 60 days prior to the expiration of each administration's term of office. Such books and records may be audited at other times as determined necessary by members of the Local Executive Board.

##### Section 2, Trial Board

This Local, when needed, will elect a Trial Board which shall consist of three members, said election shall be conducted in accordance with the procedures, set forth in Article of these By-Laws. The Trial Board will appoint one of its members to act as hearing officer for the purpose of holding hearings in connection with disciplinary matters covered under the above Article titled "Discipline of Locals and Members."

### ARTICLE V

#### Nominations

##### Section 1, Candidate:

Nominations shall be in September of the Election year and notice of nomination will be made in a timely manner reasonably calculated to reach all members.

##### Section 2, Eligibility:

All candidates for office must be members in good standing for at least one year to be eligible to hold office in the Local.

### Section 3, Nominations:

Candidates will be nominated for office from the floor or on a form supplied by the Local if not present. All nominations must be seconded by endorsement of at least one member in good standing. Candidates must sign nomination form or submit a letter stating a willingness to serve if not present to accept the nomination at the September meeting.

### Section 4, Term of Office

The term of office for any elected office shall be for three (3) years. Newly elected officers shall begin their term immediately upon the Election Committee certifying the results of the election.

### Section 5, Vacancies:

An Office shall be considered vacant upon the death, discharge or removal from Bargaining Unit jurisdiction and resignation of any officer. An office shall be declared vacant if any officer is absent without due cause from, three (3) consecutive meetings, unless he/she has been excused or has a valid reason for not being present. The President must appoint, with approval of the Executive Board, a member to fill any Executive Board vacancy for the remainder or the term of office, if such remainder is greater than 6 months duration.

### Section 6, Limitation:

No member may run for more than one office of this Local on the election ballot. A person, upon being nominated for a second office, must immediately choose the office for which he/she will stand.

## ARTICLE VI Elections

### Section 1, Election Committee:

The mail ballot election shall take place in October of the election year. An "Election Committee" shall be appointed by the President, with the majority approval of the Executive Board, in August of the election year. This committee shall assist in the nominations and in the counting and tabulating the votes. The entire membership shall receive the results within two (2) weeks of the election. The Election Committee shall expire after certification of election results.

### Section 2, Voting:

Voting shall be by secret mail ballot only. Ballots shall be mailed to all members in good standing at least 15 days before the election is to take place and the votes tabulated. Write-in candidates will not be permitted. In the event of a tie vote for an office, members shall resolve such tie by a runoff election.

### Section 3, Election:

The election of individuals to the office of President, Executive Vice President, Secretary and Treasurer shall be by the entire membership voting by secret ballot and a plurality

vote shall be sufficient for the election.

The three Regional Vice Presidents shall be elected only by members who work in their respective areas, 'Western' constituting facilities from Southborough westward (including the Clinton Wastewater Plant); 'Central' including Chelsea and the former Transport Department facilities; and 'Eastern' consisting of Deer Island. The Executive Board of the Local shall be empowered to determine which facilities come under which jurisdiction for purposes of election and representation of members."

#### Section 4, Election Records

Ballots and records of the election shall be kept for three (3) years following certification by the Executive Board.

### ARTICLE VII

#### Duties of Officers

##### Section 1, President:

The President shall preside over all meetings, maintain order, and enforce the Constitution and By-Laws of this Local. He or she shall oversee all negotiations and arbitrations and shall report to the Executive Board and membership the status of Union issues. He/she shall act as liaison to NAGE National office and attorneys. He/she shall decide all questions of order. He/she shall have the deciding vote in all cases of a tie. He/she shall countersign all written orders of the Treasurer for funds authorized by the Local or the Executive Board and shall countersign all checks. He/she shall sign all official documents of this Local. He/she shall appoint, with Executive Board majority approval, all committees in conformance with the Constitution and By-Laws. He/she shall be a member of all committees. He/she shall perform such other duties as may be necessary to advance the welfare of members of this Local, subject to subsequent approval of this Local.

##### Section 2, Executive Vice-President:

The Executive Vice-President shall act as President at the President's request or in the President's long absence. He/she shall report directly to the President. He/she shall attend all meetings with President. He/she shall sit on the Negotiating Committee and report to the Membership as required.

It shall be the duty of the Executive Vice President to assist the President in the activities of this Local. He/she shall help the President in servicing the members and may screen grievances, distribute literature, keep members informed, etc. He/she shall act as liaison between the membership and the Executive Board. He/she shall assist in arranging periodic area membership meetings of this Local. The Vice-Presidents shall render monthly reports of their activities at each Executive Board meeting of this Local. He/she shall perform other duties as may be assigned by the President.

##### Section 3, Regional Vice-President:

The Regional Vice Presidents shall report to the Executive Vice President and President the Vice Presidents shall assist the Executive Vice President and President in the



activities of the Local.

They shall help the President in servicing the members and may screen grievances, distribute literature, keep members informed, etc. They shall act as liaison between the membership and the Executive Board. They shall assist in arranging periodic area membership meetings of this Local. The Vice-Presidents shall render monthly reports of their activities at each Executive Board meeting of this Local. They shall perform other duties as may be assigned by the President.

They shall oversee stewards' elections in their jurisdiction and submits updated list of stewards to Secretary. They shall manage all Stewards activities in their jurisdiction, receive grievances from stewards and forwards copies and step I results to the Secretary or his/her designee. They shall report on regional issues to Executive Board and Membership meetings. They shall participate as representatives of the Union at regional Labor/Management and safety committee meetings and sit on the Negotiating Committee.

#### Section 4, Secretary

The Secretary shall attend meetings and grievance and arbitration hearings as required. He/she shall communicate with the membership as directed by the President and Executive Board. He/she shall keep updated lists of all Union committees, members, and stewards. He/she shall keep records of all Union expenses and minutes of all Membership and Executive Board meetings. He/she shall read the minutes of the previous meeting. He/she shall prepare official correspondence of the Local. He/she shall be responsible for preparing notices of meetings for printing and distribution to the membership.

#### Section 5, Treasurer

He/she shall prepare and sign written orders on the Treasurer for funds authorized by the Executive Board of this Local. He/she shall receive and receipt all monies and other assets of this Local delivered to him/her and shall make deposits in any banks authorized by the Executive Board. He/she shall countersignature of the President shall be mandatory for all authorized expenditures.

He/she shall invest money authorized by the Executive Board or by a majority of members present at a meeting of this Local when advance notice to members has been given that such business would be voted upon.

He/she shall, at this Local's expense, give a surety bond for an amount as determined by the Executive Board. He/she shall maintain an accurate record of receipts and disbursements and shall prepare a monthly financial statement of this Local. He/she shall submit his books and records for audit to the Board of Audit when requested. He/she shall maintain a petty cash fund of not more than \$ 100.00.

Treasurer: Keeps records of all Union income and expenses; Reports on finances at Membership and Executive Board meetings; Submits written financial reports as required; Handles bookings of halls for Union functions; Sits on Negotiating Committee  
Treasurer: Keeps records of all Union income and expenses; Reports on finances at Membership and Executive Board meetings; Submits written financial reports as required; Handles bookings of halls for Union functions; Sits on Negotiating Committee.

#### Section 6, Executive Board:

- a) The Executive Board shall be composed of all elected officers of this Local.
- b) The Executive Board shall be the governing body of this Local and shall act between membership meetings on all matters affecting the membership.
- c) Executive Board action, not specifically covered by the constitution and By-Laws or approved by a vote of this Local, shall be taken only on matters determined to be of an emergency nature by a majority vote of the Executive Board providing such action does not contradict the Constitution and By-Laws of this Local or NAGE.
- d) Regular or special meetings of the Executive Board shall be held when called by the President or by majority vote of the Executive Board.
- e) A majority of the members present shall constitute a quorum for the legal transaction of business.
- f) The Executive Board shall review publications and news releases of the Local.
- g) The Executive Board may determine such salaries and expenses as they deem appropriate for the conduct of union affairs.

#### Section 7 Appointed Officers

##### Sergeant-at-Arms (Appointed Officer)

- a) A Sergeant-at-Arms may be appointed by the President
- b) He/she shall take charge of the door at membership meetings of this Local and determine that none but members may enter. He/she shall announce by name those without membership cards, and, if it is found they are members in good standing, he/she shall be admitted to the meeting.
- c) He/she shall assist the President in maintaining order and decorum.
- d) He/she sits on committees as needed or directed by the President and/or Executive Board
- e) Reports at Membership meetings as required.

##### Section Stewards: (Appointed Officer)

- a) All officers listed under ARTICLE IV shall be Stewards of this Local.
- b) In Large departments, more than one Steward may be elected or appointed by the President if he/she deems it necessary. One existing Steward in such a large department may be designated "Chief Steward" through an election by the members in that department or location.
- c) The Stewards shall process grievances at the first step, channel information, and perform other related work in their work areas.'

Reports directly to Regional Vice-President; Acts as liaison between Executive Board and the Membership in their assigned jurisdictions; Report Membership concerns, grievances, and other matters to the Regional Vice President; Sits in on Step I grievance hearings or other hearings or meetings as required.

## ARTICLE VIII

### Meetings

#### Section 1, General Membership and Informational:

- a) There shall be at least eight (8) general membership meetings per year to conduct the business of this Local.
- b) Such meetings shall be held in a location as central as possible to the greatest potential membership attendance. Notice of such meeting shall be mailed at least seven (7) days prior to the meetings.
- c) The various Boards and Committees of this Local shall meet as determined by the President or a majority of such Board or Committee.
- d) Special meetings may be called by the President, by written petition to the Secretary by a majority of the Executive Board, or by written petition of twenty (20) or more members in good standing. Such notice shall be mailed at least seven (7) days prior to the meeting.

#### Section 2, Quorums:

- a) Fifteen (15) members in good standing shall be present to constitute a quorum for the legal transaction of business at membership meetings. Should there be less than a quorum, all business shall be carried over to the next meeting.

## ARTICLE VIX

### Finance

#### Section 1, Revenues:

- a. The revenues of this Local shall be obtained from:
  - i. Weekly membership (Local share of current dues).
  - ii. Initiation fee (if any).
  - iii. Interest from Bank and other deposits.
  - iv. Assessments and fines.
  - v. Any other lawful source.

#### Section 2, Expenditures:

- a. The funds of this Local shall be used only under the following conditions:
  - i. Ordinary and usual expense permitted under the articles and amendments of this Constitution and By-Laws.
  - ii. Expenditures considered necessary and approved by a majority vote of the Executive Board.
  - iii. Appropriations when voted by the membership.

#### Section 3, Financial Records:

Financial Records of the Local Unit shall be derived from membership dues and from such other sources as may be approved by the Local Executive Board.

#### Section 4, Bank Accounts:



The Local shall maintain a separate bank account for the business of the local and shall not commingle union monies with any personal accounts. No bank debit/ATM cards will be utilized for this Local Unit's Bank accounts.

## Section 5, Signatories

All checks by the Local Unit must be signed by two (2) officers of the Local.

## Section 6, Records:

Records of the Local, including bank statements, financial records, checks and correspondence, grievance records, notes and minutes or official meetings, shall be maintained for five (5) years. Said official records shall be turned over to the duly elected president or his/her designee upon succession to office.

## Section 7, Financial Data to National:

The Local shall every six (6) months submit copies of their financial data and copies of bank statements as may be requested. In the event that a Local Unit refuses to comply with this section, per capita payments under section 6 of Article X of the National Constitution and By-Laws will be suspended until such time as the Local Units complies. The time period for the Local to submit financial data shall be on January 1 and July 1 annually. Information provided under this section shall be submitted to the Auditors of the National Association of Government Employees.

## ARTICLE X Committees

The President may establish Advisory Committees subject to Executive Board approval. The President may establish other committees as may be necessary providing the Executive Board approves. Any committee, whether "Standing" or other, may be dissolved by the President. A new committee may be established in its place by the President with the approval of the Executive Board of this Local. Refer to ARTICLE VH, Section (1), for the rules governing the Election Committee.

## ARTICLE XI Rule of Procedure

### Section 1, Rules of Procedure:

All procedural rules not provided in these by-laws or the National By-Laws, shall be decided in accordance with the current edition of Robert's Rules of Order.

### Section 2, Conflicts:

In the event that these Local By-Laws conflict with the National By-Laws and/or are silent, the National By-Laws will supersede and control.

## ARTICLE XU AMENDMENTS

Proposed amendments to this Constitution and By-Laws must be submitted to the Executive Board in writing, signed by five (5) members in good standing.

The proposed amendment shall be cited in the call for a regular or special membership meeting. The proposal may be amended at this meeting by simple majority vote of those members present and voting. The proposed amendment shall be acted upon, without further amendment, by a two-thirds (2/3) vote for adoption by those members present and voting.

## ARTICLE XIII

### Handling of Grievances

#### Section 1, GRIEVANCE COMMITTEE

- (1) The Executive Board shall be the Grievance Committee for Local RI-168.
- (2) The Grievance Committee shall screen all grievances prior to requesting arbitration. Any grievance that is not meritorious or is frivolous or detrimental to the Local may be denied by the Grievance Committee.

#### Section 2, Procedure.

Section 1.: Any person employed in a bargaining unit represented by this Local Unit of the National Association of Government Employees (hereinafter the "Grievant") shall have the following rights and shall employ the following remedies under the provisions of this Constitution and By-Laws if he or she believes that the Local Grievance Committee has acted improperly in handling that member's grievance under the Collective Bargaining Agreement

Section 2.: The Grievant, upon receiving written notification from the Local Unit Grievance Committee that the Committee has determined either to (1) reject his or her grievance (2) settle the grievance; or (3) decline further process of the grievance, shall take the following action to protect his or her rights:

A. STEP ONE: The Grievant shall, within seventy-two (72) hours of notification of the Local Committee's action complained of, notify at least one member of the Grievance Committee, in writing, that the Grievant appeals the Committee's decision to the National President. The Local shall immediately take the required action to protect the Grievant's rights under the Collective Bargaining Agreement by proceeding to the next step of the Grievance Procedure.

B. STEP TWO - The Grievant must notify the National President, in writing within fifteen (15) calendar days following the decision of the Local Grievance Committee, that S/he appeals the Local Committee's decision.

- (a) Such appeal shall set forth a complete narrative as to the facts in support of the Grievance, a copy of the Collective Bargaining Agreement, the decision of the

Local Grievance Committee and whatever documents are reasonably necessary for an understanding of the case.

(b) The Appeal will be decided by a National Officer duly designated to act by the National President

(c) The duly designated National Officer will schedule and conduct a hearing on the Grievant's Appeal as soon as is administratively possible.

(d) The duly designated National Officer, at his or her sole discretion may (1) render a decision conducting whatever investigation s/he deems necessary or (2) refer the matter for decision to the National Executive Committee.

(e) The duly designated National Officer may, at any time, (1) order the Local Grievance Committee to take all steps necessary to protect the Grievant's rights under the Grievance Procedure pending the decision of the National Officer under (d) above, or (2) if the final decision is in favor of the Grievant, such National Officer shall order the Local to take whatever actions s/he deems necessary under the Collective Bargaining Agreement Arbitration of termination cases so decided by the National Officer or National Executive Committee will be paid for by the National.

Section 3. Any member of a NAGE Local Unit who believes that his or her grievance has been improperly handled by the Local Unit Grievance Committee or other authorized local bargaining agent shall, without exception, employ the remedies and procedures contained herein. No complainant shall be entitled to enforce or present his or her claim against NAGE or its Local subordinate in any Court or other administrative body without first exhausting these internal procedures.

## Article XIV

### Delegates to Conventions and Regional Meetings.

#### Section 1, Delegates:

The Local Unit Officers who have been elected by secret ballot shall serve as the voting delegates to intermediate and/or national bodies including National Conventions. If the total number of officers is greater than the number of delegates allowed, the officers shall attend as delegates in the following order:

1. President
2. Vice President
3. Treasurer
4. Secretary/Clerk

#### Section 2, Number of Delegates:

The number of delegates and/or alternates the Local designates to the National Convention shall be in accordance with "Article VI, Section 5" of the National

Constitution and By-Laws, which states that each Local Unit shall be allocated one delegate for 500 members or less, and one additional delegate for every 500 members or fraction thereof.

### Section 3, Selection of Additional Delegates

If the number of elected officers is less than the number of delegates, then arrangements shall be made for nominations in the Local Unit and secret ballot election.

### Section 4, Election of Delegates:

Election of delegates must be conducted by secret ballot. Notice of elections must be mailed to each member of the local at his/her last known address, not less than 15 days prior to the election. Notice of nominations and elections may be combined provided that a reasonable time is allowed for nominations. The Local Secretary shall preserve for three (3) years the ballots and all other records pertaining to the election.

## Article XV

### Discipline

#### Section 1,

Local officers or members may be charged with the following:

- (1) Violation of any specific provision of this Local Constitution and By-Laws and/or the National Constitution and By-Laws of the National Association of Government Employees.
- (2) Violation of the oath of loyalty and/or their duty to the International Union, NAGE the Local Unit and/or the members thereof.
- (3) Misfeasance, malfeasance, or nonfeasance such that they have breached their duty to the International, NAGE, the Local Unit and/or the members thereof.
- (4) Disloyalty or conduct unbecoming a member.
- (5) Financial malpractice.
- (6) Corrupt or unethical practices or racketeering.
- (7) Advocating or engaging in dual unionism or secession.
- (8) Disobedience to the regulations, rules, mandates, and decrees of the International Union or NAGE or the Local Unit.
- (9) The wrongful taking or retaining of any money, books, papers, or any other property belonging to the International Union, NAGE or the Local Unit; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers or other property of the National Union or the Local Unit.
- (10) Working as a strike breaker or violating wage or work standards established by the International Union or NAGE the Local Unit.
- (11) The bringing of false charges against a member or officer without good faith or with malicious intent.
- (12) Failing to pay his or her proper union membership dues, or failing to remit proper dues from the Local to the National.
- (13) Discrimination or advocacy of forbidden discrimination against any other member on the basis of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age or disability.



If such charges are substantiated in accordance with the procedures established hereafter, such remedial and/or punitive action can be taken as is justified and in the best interest of the organization and its members.

## Section 2, Disciplinary Procedures.

Charges brought by Members) of the Local Unit and Determined at the Local Level:

A. Charges alleging any conduct in Section 1 above on the part of any member or officer of a Local Unit shall be filed in duplicate with the Secretary of the Local Unit, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The Local Unit President shall send a copy of this Notice to the National President. The charges must specify the events or acts which the charging party believes constitute the basis for charges and must state which subsection(s) of Section 1 of this Article the charging party believes have been violated. If the charges are not specific, the Trial Body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No Charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis of the charges.

B. The Executive Board of the Local shall act as the Trial Body. \*

The accused may appear in person and with witnesses to answer the charges against him/her and shall be afforded a full and fair hearing. The person charged may select any person to act as his or her advocate unless otherwise limited by these Local Constitution and By-Laws.

C. If any portion of the charges is sustained by the evidence, then the trial body shall render such judgment and impose such discipline as it considers just. If the charges are not sustained, they shall be dismissed, and the accused shall be restored to full rights or membership and/or office.

D. If the charges brought are against member(s) of the Local Executive Board or Trial Body, that person(s) charged shall not sit as a member of that body for the purposes of deliberating on the charges. If this results in an insufficient number of persons to constitute a quorum of the Trial Body, the parties shall agree to a method of establishing a fairly constituted panel to determine the sufficiency of the charges and to issue a judgment. If the parties cannot agree, either party may submit that issue the National President by contacting the National Executive Secretary in writing. The National President shall determine the method of establishing a fairly constituted panel or shall order that the National take immediate jurisdiction.

E. If the accused is unable or unwilling to be present at any hearing provided for herein, a defense may be presented in writing. In default of appearance or defense, the Trial Body shall proceed with the hearing regardless of the absence of the accused.

F. The Trial Body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires. The National President shall be notified of the Hearing Decision.

## Article XVI

### Appeals

#### Section 1, Appeal of Discipline:

Any person or body against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part shall have the right to appeal. An appeal to the National Executive Committee may be taken either by the accused or the member filing the charges from any decision of this Local Unit with respect to such charges, provided such decision is a final decision under the terms of the Constitution and By-Laws of the Local Unit. Any such appeal must be filed in writing with the National Executive Secretary by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision being appealed from shall remain in full force unless it is stayed by the National Executive Committee. The National Executive Committee may decide the appeal on the records made by the Trial Body or may, in its discretion, upon at least ten (10) day notice, hear arguments or hold a rehearing either itself or before a hearing officer or officers designated by it. The National Executive Committee may confirm, reverse, or modify the decision appealed from.

#### Section 2, Appeal of Elections:

Any member of this Local may use the following procedure to appeal the results of an election for Local Officers and/or delegates to the National Convention. Within fifteen (15) calendar days after the tally of ballots has been furnished to the members of the Local, any member of the Local may file objections to the conduct of the election or conduct affecting results of the election to the Local's Executive Committee or Board. Objections must be made in writing and must contain specific reasons in support thereof.

#### Section 3, Appeal of Local Unit Action:

Any member or officer aggrieved by any action of this Local Unit not covered by the provisions of Article XU of the National Constitution and By-Laws (including determinations of election protests) may petition the National President within fifteen (14) days after the act complained of, or may petition the National Executive Board, within fifteen (15) days after the action of the National President thereon, to review the action of the Local Unit or affiliated body. The President will endeavor to have a hearing held within thirty (30) days of the petition or protest, if the President deems a hearing to be necessary, and shall attempt to render his or her decision within thirty (30) days thereafter.