

NEW YORK RURAL LETTER CARRIERS' ASSOCIATION CONSTITUTION

2023/2024

As passed in Ellicottville, NY

June 2023



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ARTICLE I

Name

The name of this association shall be the Rural Letter Carriers' Association of New York State, Branch No. 1 of the National Rural Letter Carriers' Association (hereinafter referred to as NYRLCA). The NYRLCA, by its Secretary-Treasurer, maintains custody and control of the State Association name as well as any State Association logo and/or symbol. Unauthorized use of the State Association name, acronym, logo, and/or symbol shall be addressed by the filing of an internal union charge, legal action, or both.

ARTICLE II

Purpose

The purpose of NYRLCA shall be to improve the methods used by rural letter carriers, to benefit their conditions of labor with the U.S.P.S., and to promote fraternal spirit among its members.

(NOTE: This Section cannot be amended unless the National Rural Letter Carriers' Constitution is amended.)

ARTICLE III

Members

Section 1. Classifications.

- A. Member in Good Standing. A "member in good standing" is a member who has made timely payment of dues and has not voluntarily withdrawn or been expelled or suspended by the association.
- B. Bargaining Unit Member. Membership is open to the following rural carriers.
 - 1. Regular carriers (Designation code 71), including regular carriers who are in Injured-on-duty/Leave Without Pay (IOD/LWOP) status and assigned to (980-989) rural routes.
 - 2. Part-Time Flexible Rural Carriers (PTF's, Designation Code 76).
 - 3. Substitute Rural Carriers (Designation Codes 72 and 73).
 - 4. Rural Carrier Associates (RCAs, Designation Codes 78, 74, 79).
 - 5. Rural Carrier Reliefs (RCRs, Designation Code 75).
 - 6. Auxiliary Rural Carriers (Designation Code 77) and
 - 7. Assistant Rural Carrier (ARC 70-5) and
 - 8. Rural Carriers in the Armed Forces of our country, provided they were members when their duty began.

Bargaining Unit Members in good standing are entitled to all voting rights and to hold both elective and appointive office at all levels of the association.

- C. Retired Member. Retired membership is open to Rural Carriers who were members in good standing at retirement on an annuity. Eligibility for retired membership expires on June 30 of the year following retirement. Failure to pay dues for one full membership year terminates retired membership. However, a retired carrier whose membership has lapsed, due to extenuating circumstances, may apply for reinstatement to the National Secretary-Treasurer by providing proof of prior membership and the current year's dues. The National Secretary-Treasurer shall present the request for membership to the National Board for a decision. Retired

members in good standing are entitled to all voting rights with the exception of ratification of National Agreements. Retired members may not be elected to National office.

- D. Associate Member. Associate membership is open to rural carriers who were members in good standing and are now either working in other non-managerial Postal service jobs or have left the service and are not receiving an annuity. Failure to pay dues for one full membership year terminates associate membership. Associate members shall not be entitled to vote or to hold elective or appointive office in the association.
- E. Retired Associate Member. Retired associate membership is open to Associate members who have retired on an annuity. Eligibility for retired associate membership expires on June 30 of the year following retirement. Failure to pay dues for one full membership year terminates Retired Associate membership. Retired associates may not apply for reinstatement. Retired Associate members shall not be entitled to vote or to hold elective or appointive office in the association.
- F. Honorary Member. Honorary membership may be bestowed by the association at the National Convention upon recommendation of the National Board. Honorary members shall not be entitled to vote or to hold elective or appointive offices in the association.

Section 2. Restrictions.

Inasmuch as it is an unfair labor practice under the Labor Management Relations Act (LMRA) for any employer (including persons acting in that capacity) to dominate or interfere with the administration of any labor organization, it follows that employers, while they may be members, may not be candidates for office or serve as officers. Members are prohibited from participation in the association while serving in managerial or supervisory positions, such as Officer-in-Charge (OIC), Acting supervisor (204-B), or Postmaster relief (PMR) or acting in any capacity normally performed by a manager. Members who accept managerial positions shall be deemed to have resigned from all elected and appointed positions within the association and shall be prohibited from holding any elected or appointed union positions for a period of one year from the last day served in that capacity.

Section 3. Affiliation.

- A. No rural carrier working in a county where there is an association shall join or unite with another county or area association unless it is due to an involuntary reassignment or for transportation convenience approved by the NYRLCA Executive Board.
- B. Retired rural carriers may retain their membership with the county or area of their former employment or they may join the county or area in which they reside.

Section 4. Application. Membership in any of the circumstances outlined in Article IV of the Constitution of NYRLCA shall be granted upon payment of one year's National and State dues or by submission of a completed dues withholding authorization form. Said dues payment or dues withholding authorization form shall be sent to the NYRLCA Secretary-**Treasurer**.

Section. 5. Dues. Every member, except duly elected life members, of a county or area association is liable for state and national dues.

A. Annual State Per Capita dues shall be:

- 1. Regular Carriers, PTF Carriers, and Associate Members shall be equal to .489 (thousandths) % of the annual salary of a 40 Hour Step 1 from table two of the effective Rural Carrier Evaluated Schedule.
 - a. Seven- and one-half percent (7.5%) of the annual sum shall be rebated to the County or Area Association of which they are a member of as of April 1 of the current fiscal year.

2. Leave replacements (Substitute Rural Carriers, Rural Carrier Associates, Rural Relief Carriers) shall be equal to .166 (thousandths) % of Table 4 Hourly Rate times 2080 of the effective Rural Carrier Evaluated Schedule. Leave replacements (Assistant Rural Carriers) shall be equal to .166 (thousandths) % of Table 4 Hourly Rate times 1,500 of the effective Rural Carrier Evaluated Schedule.

a. Seven and one half (7.5%) of the annual sum shall be rebated to the County or Area Association of which they are a member of as of April 1 of the current fiscal year.

3. Retired and retired associate members shall be thirty-two dollars and forty-eight cents (\$32.48) per year.

a. Seven and one quarter percent (7.25%) of this state portion shall be rebated to the County or Area Associations of which they are a member of as of April 1 of the current fiscal year.

b. The NYRLCA shall reimburse the National Association Per Capita tax, including weekly subscription to the National Rural Letter Carrier, full dues for all 50/60/70 year members, and past National Officers that have been elected as life members of the New York Rural Letter Carriers' Association by a majority of the delegates present at a NYRLCA Convention.

4. Prior to the beginning of mail count schools, any craft non-member attending will be given an application and dues withholding form to complete. Craft non-members who fail to comply will not be allowed to attend the count schools.

5. The minimum for county rebates will be four hundred dollars (\$400.00).

Section 6. Family Plan In addition to the above-defined amounts, for those who have authorized deduction of such dues, annual State Auxiliary Per Capita dues shall be designated as follows, plus the National Auxiliary per capita dues as defined in the National Auxiliary Constitution.

- A. Regular Rural Carriers - \$7.60
- B. Part-Time Flexible Carriers - \$7.60
- C. Substitute Rural Carriers - \$7.60
- D. Rural Carrier Associates \$7.60
- E. Rural Carrier Reliefs - \$7.60
- F. Auxiliary Rural Carriers - \$7.60
- G. Retired Rural Carriers - \$7.60
- H. Assistant Rural Carrier - \$7.60

Those members who have signed an authorization of dues form 1187 and those that have paid by cash shall have the above amounts deducted pro-rata from the total defined dues amounts by the NRLCA and remitted to the National Auxiliary quarterly.

Those NRLCA members who have signed an authorization for deduction of dues form 1187 or have paid by cash and do not wish to participate in the Family Plan may request a refund of Auxiliary dues. Such refund must be made in writing to the NRLCA Secretary-Treasurer not more than twenty (20) days and not less than ten (10) days prior to the beginning of the NRLCA fiscal year. This refund request will stay in effect each year until the member notifies the NRLCA Secretary-Treasurer otherwise.

Section 7. Membership and Fiscal Years. The NYRCLA membership and fiscal years shall begin July 1st and end on June 30th.

Section 8. Magazine. Regular, substitute, PTF, RCA, RCR and ARC employees, auxiliary carriers, retired members, and active and retired associate members shall receive each issue of *The Empire State Rural Letter Carriers' Newsletter*.

Section 9. Standards of Conduct for the Association and its Members. The following standards of conduct are prescribed for NYRLCA:

- A. To maintain democratic procedures and practices, including provisions for periodic elections to be conducted, subject to recognized safeguards and provisions defining and securing the right of individual members to participation in the affairs of the organization, to fair and equal treatment under the governing rules of the organization, and to fair process in any disciplinary proceedings.
- B. To prevent discrimination on the basis of race, color, age, gender, religion, creed, national origin, disability, or marital, economic, social, or political status.
- C. To prohibit business or financial interests on the part of organization officers and agents which conflict with their duty to the organization and its members; and
- D. To maintain fiscal integrity in the conduct of the affairs of the organization.

ARTICLE IV Subordinate Units

Section 1. Subordinate Units.

- A. Upon application by at least five (5) rural carriers, substitute rural carriers, PTF's, RCR's RCA's and /or ARC's from any county, a charter shall be issued to the applicants, constituting them as a county or area branch, to be known as the Rural Letter Carriers' Association of _____, County or Area, Branch No. _____, of the Rural Letter Carriers' Association of New York State. In addition to membership dues as outlined in Article III, Section 5 of this Constitution, the applications shall be accompanied by the charter fee of \$2.00.
- B. When there are not enough rural carriers in one county to constitute a working association, two or more counties may unite in one charter.
- C. In the event one county wishes to join another county or area, the county joining must relinquish its charter and apply to the NYRLCA Executive Board to join the other county.
- D. In the event two or more counties wish to merge into a single area, each county must relinquish its individual charter and the group must then apply to the NYRLCA Executive Board for an area charter.
- E. Upon approval of a merger, all the funds and property of the merging counties will be retained by the secretary/treasurer of the new area charter.
- F. No county association shall either dissolve or merge if a majority of the members, constituting five or more members in good standing, vote to retain the county association charter.
- G. No more than three (3) counties may merge into a single area. All mergers must have the approval of the membership of each county and the NYRLCA Executive Board.
- H. In a county where there is no association, a carrier may become either a member of an adjoining county or area or a member at large of the NYRLCA. Members at large are not entitled to vote at any meetings of the State Association.

Section 2. Annual Report.

At least thirty (30) days prior to the opening of the State Convention, county and area association secretaries shall notify the NYRLCA Secretary-Treasurer of the delegates and alternates to the State Convention, Notification shall be done by completion of the annual report form, which shall also include the names, addresses, and telephone numbers of the officers elected at the county or area association annual meeting.

Section 3. Trusteeship.

- A. The NYRLCA President, with approval of the NYRLCA Executive Board, may place in trusteeship any county association or subordinate body for any of the following reasons:
 - 1. to uphold the principles and integrity of this Constitution.
 - 2. to correct corruption or financial malpractice.
 - 3. to assure performance of collective bargaining agreements or other duties of a bargaining representative.
 - 4. to restore democratic procedures; or
 - 5. to otherwise carry out the legitimate objectives of the NYRLCA.
- B. The trustee shall assume immediate control and authority of the county association, with full authority over the officers and property thereof. The trustee shall continue to act in such a capacity for the duration of the trusteeship.
- C. Within thirty (30) days of the imposition of the trusteeship, a hearing shall be held before a committee of three members. The members shall be selected as follows; one member selected by the state board, one selected by the Board in trusteeship and a chairman selected by the other two members. The committee shall have sole discretion regarding the conduct and procedures of the trusteeship hearing. Only bargaining unit members may serve on this committee. No member of this committee shall be chosen from the unit in trusteeship or the State Board. The committee shall report its findings and recommendations to the State President as soon as practical following the hearing. The State Board shall determine whether to continue or to terminate the trusteeship.
- D. The affected Subordinate unit may petition the State Board to terminate the trusteeship at six-month intervals following the decision of the State Board. The State Board may terminate a trusteeship at any time.
- E. The board of the subordinate unit in trusteeship may appeal the decision of the State Board as provided in this constitution.

(NOTE: This Article cannot be amended unless the National Rural Letter Carriers' Constitution is amended.)

ARTICLE V Officers and Appointees

Section 1. Officers. The officers of the NYRLCA shall be a President, a Vice-President, a **Secretary-Treasurer**, and three (3) Executive Committee members. No member shall be eligible for office in the NYRLCA who currently holds a position in Management in the Postal Service, or in another craft, or has not been a continuous member in good standing for three consecutive years prior to nomination. (Compliance with National Constitution (Article V, Section 3, Sections, B.)

Section 2. Duties.

- A. The NYRLCA President shall:
 - 1. preside at all meetings.
 - 2. sign all orders on the treasury.
 - 3. sign all charters granted by the NYRLCA to county or area branches.
 - 4. appoint all committees not otherwise provided for in this Constitution and Bylaws.
 - 5. have general supervision of the affairs of the NYRLCA during the interim between meetings, subject to the direction of the Executive Board, which he/she may convene whenever the interests of the NYRLCA demand.

B. Presidential appointments will be chosen from qualified candidates. Announcements for these positions, along with job descriptions for each, shall be placed in a pre-convention issue of the Empire State Rural Letter Carriers' Newsletter. The Presidential appointments, subject to approval of the Executive Board, shall be:

1. National General Insurance representative;
2. Newsletter Editor;
3. Newsletter Layout Person;
4. State Chaplain;
5. Legislative Director;
6. PAC Chairman;
7. State Historian;
8. Provident Guild Representative
9. Webmaster;
10. Other chairpersons as deemed necessary.

C. The Vice-President shall:

1. preside at all meetings of the NYRLCA in the absence of the President; and
2. assume the office of President in the event the office becomes vacant between meetings.

D. **The Secretary- Treasurer shall;**

- 1. keep a record of proceedings of all meetings of the NYRLCA and the Executive Board.**
- 2. receive the funds of the NYRLCA giving a proper receipt therefore, keep a true and accurate record of all receipts and disbursements that he/she processes as mandated by Labor Law.**
- 3. making a report of said receipts and disbursements at the NYRLCA Convention or as required by the Executive Board.**
- 4. paying out no monies except on the written order the President.**
- 5. maintain and store vouchers and supporting documents: and**
- 6. maintain a correct copy of the membership of the NYRLCA membership.**

E. The Executive Committee shall:

1. review all paid bills and expense statements presented to the NYRLCA.
2. review the audit prepared by the outside accountant, making a report to the NYRLCA of this review and the general financial condition of NYRLCA.
3. serve as the convention minutes approval committee under the direction of the NYRLCA Secretary-Treasurer; and
4. any other duties required of them.

F. The elected officers shall perform the duties provided in this section and such other duties as are prescribed for the office in this Constitution, by the Executive Board, in the written NYRLCA job descriptions for officers, or in the adopted parliamentary authority.

Section 3. Reports.

A. Regular Financial Report

1. At the end of each quarter, and as otherwise directed by the Executive Committee or the Executive Board, the NYRLCA **Secretary-Treasurer** shall make complete financial reports to the Executive Committee of all receipts and disbursements they have processed.
2. The Executive Committee shall inspect such reports and have them printed in the *Empire State Rural Letter Carriers' Newsletter*.

B. Annual Financial Report

1. At the close of each fiscal year, and as otherwise directed by the Executive Board, the NYRLCA Secretary-Treasurer shall make all financial records in their control available to an independent auditor selected by the Executive Board.
 2. The Executive Committee shall inspect the report(s) of the independent auditor and have it/them printed in the next issue of the *Empire State Rural Letter Carriers' Newsletter*.
- C. Executive Board Minutes
The NYRLCA Secretary-**Treasurer** shall be responsible for seeing that the actual minutes of the Executive Board Meeting are published in the next issue of the *Empire State Rural Letter Carriers' Newsletter* following the meeting at which they are approved.
- D. Membership Lists
The NYRLCA Secretary-**Treasurer** shall send a member and non-member (to include cancelled members) list to each County or Area secretary, for the area covered by the County or Area Association prior to their annual meeting. These lists shall be alphabetical with the post office to which the individual is assigned. These lists will also be provided prior to a County or Area association fall meeting upon request.

Section 4. Bonding. The NYRLCA Secretary-Treasurer are to be properly bonded. The bond to be paid by the NYRLCA

Section 5. Election.

- A. The nomination and election of officers shall take place at each NYRLCA Convention. Nominations shall be in order during each business session of the Convention until the time of election.
- B. Election of NYRLCA officers shall be by ballot, unless there is one nominee for an office and nominations have been closed, the President or Secretary-**Treasurer** shall declare the nominee is elected.
- C. A majority of the votes cast shall be required to elect.
- D. When there are two or more candidates for the same office, after the second ballot if no candidate is elected, the candidate receiving the lowest number of votes on each ballot shall be dropped until a candidate is elected. Under no circumstances will less than a majority of the votes cast elect a candidate to office.
- E. Write-in votes shall not be considered valid.
- F. The President, Vice-President, **and Secretary-Treasurer** shall be elected for a term of one year or until their successors are elected and assume office.
- G. At each State Convention, one of the three Executive Committee members shall be elected for a term of three years or until the successor is elected and assumes office.
- H. Officers shall assume office at the conclusion of the State Convention at which they are elected.

Section 6. Compensation.

- A. The NYRLCA President shall receive a salary of **four** thousand dollars (**\$4,000.00**) per annum.
- B. The NYRLCA Vice President shall receive a salary of one thousand **six** hundred dollars (**\$1,600.00**) per annum.
- C. The NYRLCA Members of the Executive Committee shall receive a salary of one thousand **six** hundred dollars (**\$1,600.00**) per annum.
- D. The NYRLCA Secretary-Treasurer shall receive a salary of **six** thousand dollars (**\$6,000.00**) per annum.
- E. The NYRLCA shall pay the Newsletter Editor an amount designated by the Executive Board, not to exceed two hundred dollars (\$200) per issue. The NYRLCA shall pay the Layout Person an amount designated by the Executive Board not to exceed five hundred dollars (\$500.00) per

issue. The positions of Editor and Layout Person may be held by one person, in which case the amount paid per issue shall not exceed seven hundred dollars (\$700.00).

- F.** The NYRLCA shall pay the State Chaplain, the PAC Chairman, the Legislative Director, the Provident Guild Representative, and the State Historian an amount designated by the Executive Board not to exceed Three hundred dollars (\$300.00) per annum, unless filled by an NYRLCA executive board member.
- G.** The NYRLCA shall pay the National General Representative a commission of five percent (5%), based on the quarterly National General rebate check, not to exceed one thousand five hundred dollars (\$1,500.00) but not less than seven hundred dollars (\$700.00).
- H.** The NYRLCA shall pay the Webmaster an amount designated by the Executive Board not to exceed one thousand two hundred dollars (\$1,200.00) per annum.
- I.** The NYRLCA may pay other chairpersons and appointees as directed by the Executive Board.
- J.** All payments identified in Sections **E, F, G, and H** of this Article shall be in lieu of salary.
- K.** The elected officers, and any other appointees of the NYRLCA, who are not full-time employees of the NYRLCA, when conducting official NYRLCA business, shall be compensated by the NYRLCA at the current rate **from Table 1, 46K at Step 12 or their route's evaluation (whichever is greater), plus ten percent (10%) with a total of at least eight (8) hours worked.**
- L.** No person holding office in the NYRLCA shall be allowed compensation for services or expenses if such officer, and/or appointee is receiving compensation from any other source for that service.
- M.** Any appointee not mentioned above shall be granted an amount equal to his/her daily evaluated salary for workdays use for official NYRLCA business as authorized in advance by the NYRLCA President.

Section 7. Expenses. The NYRLCA shall pay mileage at the current reimbursed rate of the IRS for automobile use. Any other expenses travel or otherwise, shall be paid as authorized by the Executive Board.

Section 8. Removal. In case of neglect of duty or violation of this Constitution on the part of any officer of the NYRLCA or subordinate branch thereof, in the interim of State Conventions, the Executive Board shall have the authority to suspend the officer or officers of the NYRLCA or of any subordinate branch of the NYRLCA after a fair hearing, subject to an appeal to the next National Convention.

Section 9. Vacancy in Office.

- A.** Any vacancy in any NYRLCA office occurring before sixty (60) days prior to the next NYRLCA Convention shall be filled by the NYRLCA President, subject to the approval of the NYRLCA Executive Board.
- B.** Any vacancy in any NYRLCA office occurring within sixty (60) days prior to the next NYRLCA Convention shall remain vacant and shall be filled upon election at the NYRLCA Convention.
- C.** Any officer of the NYRLCA who is separated from the Rural Services through no fault of his/her own, as determined by the Executive Board, shall hold office until the next meeting of the NYRLCA.
- D.** Any officer who voluntarily separates him/herself from the Rural Services shall resign immediately upon separation and shall relinquish all property of the NYRLCA to the NYRLCA Executive Board.

- E. Retirement from the craft shall not constitute separation from service and shall not affect a member's eligibility to serve in an elected or appointed position in the NYRLCA as long as the individual remains a member in good standing of the NYRLCA.

Section 10. Association Property.

- A. All books, records, papers, monies, securities, and other items associated with any officer shall at all times remain the property of NYRLCA.
- B. Unless legally disposed of, all property of the NYRLCA shall be accounted for and delivered to the NYRLCA Executive Board or to a bonded successor in office, either at the end of the term for which elected or earlier termination of said term, or as directed by the NYRLCA Executive Board.

ARTICLE VI
Meetings

Section 1. State Convention.

- A. Annual Conventions for conducting the business of the NYRLCA shall be held no earlier than June 1st or after and shall conclude no later than July 10th, excluding the holiday, at a location selected at a preceding Convention. If for any reason, the Convention cannot be held at the selected location or on the selected date, the NYRLCA Executive Board has the authority to change the location and/or date. Notice of the change shall be made in *The Empire State Rural Letter Carriers' Newsletter*. Written notice of the change shall be sent to each county or association secretary by the NYRLCA **Secretary-Treasurer** not less than thirty (30) days prior to the Convention call.
- B. A Convention fee in an amount decided by the NYRLCA Executive Board shall be paid by NYRLCA to the annual convention host committee to be used to defray the cost of printing tickets and other convention expenses. After the payment of convention expenses and review by the NYRLCA Executive Committee, any surplus shall be retained by the host committee.

Section 2. Delegates.

- A. Calculation of delegate representation shall be based on the county or area association membership as of May 1 of the current year, or the date of the annual convention, whichever is earlier.
- B. Delegates must show proper ID to register by noon of the first business day or they will not be seated without the action of the Convention.
- C. Each County or Area association will be issued ballots equal to the full delegate strength to which the County or Area association is entitled.
 - 1. Delegates-at-Large - Each county and area association shall be entitled to one delegate-at-large for NYRLCA Conventions.
 - 2. Delegates - In addition to a delegate-at-large, each county and area association shall be entitled to one delegate for every ten (10) members or major fraction thereof.
- D. Alternate Delegates - Each county and area association shall be entitled to the same number of alternate delegates as delegates.
- E. Full Delegate Strength - Each county or area association shall be entitled to vote its full delegate strength based on membership.
- F. Each county or area association shall conduct an annual meeting at which a state board member or designee shall be present, at least forty (40) days prior to the first business day of the annual state convention. Every member of each county or area association shall be given at least fifteen (15) day's notice of the county or association annual meeting.

- G. Delegates shall be elected by ballot at each county or area association annual meeting. The total number of delegates elected shall not exceed the total number of delegate votes to which the county or area association was entitled to the previous year.
- H. Delegates shall be elected as follows:
 - 1. Nominations shall be made from the floor.
 - 2. The candidate receiving the most votes shall be the delegate-at-large.
 - 3. The remaining number of delegates and alternates shall be elected in the descending order of the votes received.
- I. No county or area association shall have any delegate seated who has not completed the annual report form within the thirty-day requirement or whose election as delegate cannot be verified by the State Officers and/or designee who attended that county or area association meeting.
- J. A delegate cannot be seated from any county or area association that is in arrears for state or national dues or does not have five (5) or more members.
- K. No county or area association shall have power of votes in any State Convention unless one (1) elected delegate from said county or area association is present.

Section 3. Compensation for State Delegates.

- A. All Delegates

Mileage for each county or association elected delegate in attendance at the convention shall be paid by the NYRLCA from the county seat to the Convention site at the rate of twice the current rate of reimbursement by the IRS for one way travel by the most direct route over Federal/State highways as determined by the Executive Committee from the official current mileage guide selected by the Executive Board.
- B. At each Fall board meeting, the board members, after review of the financial records of the association, will decide if the association can afford to compensate the elected state delegates to the next state convention a per diem of one hundred seventy-five dollars for each business session day. The decision will be published in the *winter Empire State Rural Letter Carriers' Newsletter*. If the decision is negative, an explanation will be given.
- C. Per diem is only paid provided they shall attend all scheduled business sessions, the caucus, and remain at convention until all delegate duties are completed unless duly excused by the Delegate-at-Large. The Delegate-at-Large will certify the attendance of each elected delegate from their county.

Section 4. State Officers.

- A. Unless serving as a delegate for his/her county or area association, each NYRLCA officer shall be entitled to vote on every question that comes before the Convention except the election of NYRLCA officers.
- B. Unless serving as a delegate for his/her county or area association, the outgoing NYRLCA President shall have the status delegate-at-large at the next succeeding State Convention immediately following that term of office but shall not be eligible to vote for officers of the NYRLCA.
- C. **State board members may hold virtual board meetings.**

Section 5. Quorum.

- A. Annual. Twenty-five (25) delegates representing not less than ten (10) counties or area associations shall constitute a quorum for any annual convention.
- B. Special. A quorum for a special meeting shall be at least 5% of the membership representing not

less than 50% of the county or area associations.

- C. Adjourned Meeting. A lesser number than specified in A. or B. above may set a time for an adjourned convention or meeting.

Section 6. Resolutions and Constitution Changes.

- A. Resolution and/or Constitution changes to be considered at the NYRLCA convention must be submitted to the NYRLCA **Secretary-Treasurer** on the proper form at least two (2) weeks prior to the start of the state convention.
- B. Resolutions and Constitution changes may be submitted from the floor under new business if they are on the proper form with seven (7) copies.
- C. Any resolution or proposed amendment to this Constitution having a financial impact upon the NYRLCA must be presented with a financial impact analysis. Resolutions or amendments having a financial impact and submitted without a financial impact analysis may not be considered at the state convention.

Section 7. Order of Business. The NYRLCA Secretary-Treasurer shall call a daily roll call of county or area associations during the State Convention. Said roll call shall state the county and number of eligible delegates. Any county or area association that has dues paying members equal to the number of rural routes in the county or area shall be entitled to be considered 100% membership. The county or area association delegate-at-large shall respond by stating the number of delegates presently on the floor.

Section 8. Special Meetings.

- A. Special meetings may be called by the NYRLCA Executive Board and shall be called by the NYRLCA President and **Secretary-Treasurer** upon written request of at least one-third of the county and/or area associations. Ten (10) day's written notice of a special meeting shall be sent to each county and association secretary by the NYRLCA **Secretary-Treasurer**.
- B. Notice of any special meeting must state the purpose for which the meeting is called. No business except that outlined in the call shall be conducted.
- C. A winter meeting will only be held when the Executive Board feels there is a need to hold such a meeting. Pertinent and current information of members' interest will be posted on the NYRLCA website and in the *Empire State Newsletter*.

ARTICLE VII National Convention Delegates

Section 1. Eligibility.

- A. Each State association shall be entitled to representation by one delegate for every 100 members or major fraction thereof and one delegate-at-large. Membership shall be based on the number of dues withholding and cash pay Bargaining unit and Retired Members. In order for a state to receive credit for cash pay members, dues must be received no later than the close of business on the first day of the Convention.
- B. Only Bargaining Unit Members and Retired Members in good standing may be nominated, elected or seated as delegates. Such "good standing" status shall be the sole prerequisite for determining eligibility or entitlement to service as a delegate or to any payment or benefit, except that a state may establish reasonable rules to ensure attendance at the convention.

- C. A member who from the time of nomination through the end of the convention holds any position in USPS management or a job which competes with the USPS, or this association shall be ineligible to serve as a delegate.

Section 2. Nomination.

- A. Within each state association, nominations for National Delegate shall be submitted by U.S. Mail to the post office box specifically opened for this purpose on a nominating ballot or copy. The nominating ballot shall be signed and show the name and address of the member making the nomination and may include self-nomination. The nominating ballot shall be published in the February, March, April, and May issues of The National Rural Letter Carrier.
- B. Nominations must be received in the post office box specifically opened for this purpose at least 50 days prior to the opening of the state convention. Upon receipt, the State **Secretary-Treasurer** shall send a notice of nomination to the candidate by U.S. Mail.

Section 3. Election.

- A. A member must be on the rolls at least 50 days prior to the opening of the state convention in order to be eligible to vote for National Delegates.
- B. The State Secretary-Treasurer shall prepare a ballot listing the candidates for National Delegate in random order. Instructions on each ballot shall include the number of delegates to be elected, the deadline for return of the ballot and the mailing address of the designated post office box. The number of votes cast on each ballot shall not exceed the number of delegates to which the state association was entitled at the previous convention.
- C. The State Secretary-Treasurer shall cause the ballot to be mailed to eligible members at least 25 days prior to the opening of the state convention. In addition, the State Secretary-Treasurer/designee shall arrange for the rental of a post office box for the receipt of the ballots and another for the return of undeliverable ballots.
- D. An envelope marked "Ballot" shall be provided in which to seal the ballot. To permit verification of membership and to maintain the integrity of the voting procedure, an outer envelope, also marked "Ballot" which clearly identifies the name and address of the member, shall also be provided. The sealed envelope containing the ballot shall be placed in the outer envelope by the member and mailed to the designated post office box.
- E. An election committee shall be appointed by the State President. No candidate for National Delegate may serve on the election committee. After the deadline for receipt of ballots, the election committee shall collect and tabulate the ballots at the state convention. The post office box designated for the return of ballots shall be accessible only to the election committee.
- F. Any candidate or designee may observe the ballot tabulation. In reporting the results of the election, the candidates shall be placed on a roster in the order of votes received. The number of delegates to which the state is entitled shall be declared regular delegates; the remaining candidates shall be declared alternates.
- G. Each state association shall be entitled to one Delegate-at-large from the roster of elected regular delegates. That position shall be filled by a state officer in ranking order, beginning with the State President. A state officer may not be automatically declared a delegate by virtue of office unless elected by direct vote of the membership. National-paid delegates shall be named in accordance with the plurality of votes received.
- H. The State Secretary-**Treasurer** shall prepare and send credentials to the National Secretary-Treasurer for the Delegate-at-Large, regular delegates and an appropriate number of alternates immediately following the state convention. The credentials shall be embossed

with the state's seal to verify authenticity. Delegates-at-Large and regular elected delegates presenting identification to the Credentials Committee at the National Convention shall be certified and seated.

- I. Delegates holding proper credentials shall be seated at the National Convention if their state has paid National Per Capita Tax for members in good standing. The National Secretary-Treasurer shall notify each state association of the status of its National Per Capita Tax at least two weeks prior to the National Convention.
- J. The mailing will show a return address of a post office box opened specifically by the host county committee in or near the host convention site for the exclusive purpose of receiving any undeliverable ballots. Voted ballots shall be returned to a post office box, in or near the convention city, specifically opened for the purpose of receiving voted ballots.
- K. The post office boxes will be closed and the ballots in the post office boxes must be picked up by the election committee by noon two (2) days prior to the first business session of the state convention.
- L. In the event a member does not receive a ballot to elect National Convention Delegates, the State Secretary-**Treasurer** will mail a second ballot. The address label on the second ballot will be color coded to distinguish it from the first in the event both ballots are received by the election committee. If both ballots are received by the election committee, the first ballot will be destroyed and the second color-coded ballot will be counted.
- M. Ballots shall be verified for membership by the NYRLCA Secretary-**Treasurer** and shall then be counted at the State Convention by the election committee. The Election committee shall consist of at least three (3) members appointed by the NYRLCA president.
- N. In the absence of all state officers (President, Vice President, Secretary-Treasurer, three Executive Committee members in order of seniority, in that order) the delegate with the highest number of votes shall be the delegate-at-large and other National paid delegates to which the NYRLCA is entitled shall be designated by the highest number of votes received.

Section 4. Compensation of State-Paid National Delegates.

- A. Any elected National Convention Delegate(s), other than the National Paid Delegate(s) shall be paid mileage and per diem, as long as they are a member in good standing, as defined in Article III, Section 1 of the NRLCA Constitution. Such "good standing" status shall be the sole prerequisite used in determining eligibility for or entitlement to serve as a National Delegate or to a payment, benefit, or other entitlement of any kind. At National Convention, they shall attend all scheduled business sessions, the state caucus, and remain at convention until all delegate duties are completed unless duly excused by the Delegate at Large.
- B. The NYRLCA "Carrier of the Year" selected at the State Convention prior to the National Convention and not elected a National Convention delegate and attending the National Convention shall be paid mileage and per diem provided they have met the requirements as outlined in Article VII Section 4.A. of the NYRLCA Constitution.
- C. Mileage shall be determined by the most direct route over Federal/State Highways. The rate will be twice the current rate of reimbursement by the IRS for one-way travel from the individual's county seat to the National Convention site capped at **one thousand dollars (\$1,00.00)**. The mileage guide will be determined by the NYRLCA Executive Board.
- D. Per Diem shall be paid at the rate of one hundred dollars (\$100.00) per day for each of the four (4) days of National Convention, in addition up to five days lodging during the national convention capped at one thousand dollars (\$1000.00) with receipts will be paid, provided the requirements outlined in Article VII Section 4.A. of the NYRLCA Constitution are met.
- E. The NYRLCA shall not pay mileage or per diem to any delegate or any other individual attending National Convention who is receiving such from the National Association, unless

combined (mileage and per diem) total National payment is less than what they would have received as a State Paid National Delegate. Documentation is required.

- F. The first five Alternate delegates shall be paid mileage and per diem as outlined in Section 4.C and 4.D above. All other Alternate national delegates shall be paid per diem at the rate of one hundred dollars (\$100.00) per day for each of the four (4) days of National Convention, provided the requirements outlined in Article VII Section 4.A of the NYRLCA Constitution are met.
- G. At each fall board meeting, the board members, after review of the financial records of the association, shall decide if the association can afford to compensate state paid national delegates who attend the next national convention. The decision shall be published in the winter Empire State Letter Carriers' Newsletter. If the decision is negative, an explanation shall be given.

Section 5. Distribution of Unclaimed Ballots. When the NYRLCA has more votes at the National Convention than the number of delegates present, the Delegate-at-Large will distribute all "unclaimed" ballots amongst the delegates present in the order of their election to the position of National Delegate.

ARTICLE VIII Eastern States Conference

Section 1, Eastern States Membership.

- A. NYRLCA shall maintain membership in the Eastern States Conference (ESC) contingent on the provisions of Subsection B.
- B. Annual dues shall be paid if approved by the delegates at each state convention.

Section 2, Attendees Compensation.

- A. The state shall compensate members in good standing who attend all sessions of the ESC if they are not otherwise receiving compensation from the State Association or the National Steward System for being there. There shall be a total cap of \$10,500.00 (ten thousand five hundred dollars) to be divided equally with no more than \$300.00 (three hundred dollars) to be paid to any eligible member each year.
- B. At each fall board meeting, the board members, after review of the financial records of the association, shall decide if the association can afford to compensate attendees who attend the next ESC. The decision shall be published in the winter Empire State Rural Letter Carriers' Newsletter. If the decision is negative, an explanation shall be given.

ARTICLE IX State Board

Section 1. Members.

The officers identified in Article V, Section 1 of the NYRLCA Constitution shall compose the Executive Board. The NYRLCA President shall serve as Chair of the Board and the NYRLCA Secretary-Treasurer shall serve as secretary of the Board.

Section 2. Duties.

The Executive Board shall:

- A. have general charge of the affairs of the NYRLCA in the interim between meetings.
- B. fill vacancies not otherwise provided for by this Constitution.
- C. individually provide a written report of his/her activities at each regular meeting of the NYRLCA.

- D. act as the Legislative Committee, designating a whole or part of their membership to have charge of the same.
- E. name or engage, when necessary, other individuals whose services are deemed necessary to carry out any legislative program or Legislation, maintaining direct supervision of said individuals.
- F. engage, if deemed necessary, the immediate past president to serve in an advisory capacity. He/she shall be eligible to receive expense appropriations at the discretion of the Executive Board.
- G. perform such other duties as they may from time to time be directed by the NYRLCA.

ARTICLE X Committees

Section 1. Convention Committees.

The Standing Committees of the NYRLCA shall perform the duties as indicated by their names and shall be:

- A. Ballots/Elections
- B. Constitution
- C. Convention Site
- D. Credentials, Mileage, and Per Diem
- E. Deceased Members
- F. First Timers
- G. Legislative
- H. PAC
- I. Resolutions
- J. Retired Carriers
- K. Sergeants-at-Arms
- L. Tellers
- M. Media

Section 2. Special Committees.

- A. Special Committees may be appointed by the Executive Board as needed or as directed by the State Convention.
- B. Resolutions of Respect Committee
Each County or Area Secretary, immediately upon the death of a member, shall notify the NYRLCA Secretary-Treasurer, who shall immediately send resolution(s) of respect to the bereaved family. The NYRLCA President and NYRLCA Secretary-Treasurer shall constitute the committee for this purpose.

ARTICLE XI Steward System

Section 1. The Responsibility and Role of State Associations are outlined in Article IX of the NYRLCA constitution.

ARTICLE XII Appeals

Section 1. State

- A. A member aggrieved by any action of a state association, or officer or steward shall have the right to appeal to the state board.
1. Appeals must be in writing and be filed with the State President within 30 days of having knowledge of said action.
 2. Within 10 days of receipt of the appeal, the State President shall notify all members of the State Board and the assigned Executive Committeeman and shall request that the Charging Party provide a letter outlining the specific charges and any relief sought. This letter of specificity, along with complete documentation, must be returned within 20 days of receipt of the President's request.
 3. Upon receipt of the letter of specificity, the State President shall forward a copy to the Charged Party for response. The Charged Party shall have 20 days to respond in writing and provide documentation to the State President.
 4. The State Board shall review the Charging Party's letter of specificity, documentation, relief sought and the response of the Charged Party. The State Board is authorized, in consultation with the Executive Committeeman, to take the necessary action to resolve the issue within 30 days. Extension of this 30-day time limit, when necessary, shall not exceed 15 days. The Charging Party(s) and Charged Party(s) (hereafter referred to as the Party or Parties) shall be notified in writing of the decision of the State Board.
- B. A Party not satisfied with this decision, or any other action of the State Board on said appeal, shall have the right to appeal to the National Board.
1. This appeal must be in writing and be filed with the President of the National Association within 30 days of receipt of the State Board's decision.
 2. Within 15 days of receipt of an appeal, the National Board shall notify the National Appeals Commission. The President shall notify the State President and the Parties that the appeal has been received and forwarded to the National Appeals Commission.
 3. Within 30 days, the National Appeals Commission shall investigate each appeal and report its findings and recommendations in writing to the National Board. Upon receipt of the findings and recommendations of the Appeals Commission, the National President shall notify the Parties that the findings and recommendations are before the National Board. The National Board shall render a decision and notify the Parties in writing within a reasonable period of time.
- C. A Party not satisfied with the decision of the National Board shall have the right to appeal to the next Convention of the National Association.
1. This appeal must be in writing and be filed with the National President within 30 days of receipt of the National Board's decision. The appeal, if received more than 45 days prior to the National Convention, will be scheduled for that convention. If received within 45 days of the convention the appeal may be held until the following National Convention.
 2. Within 15 days of receipt of said appeal, the President shall notify the Parties that the appeal has been received and shall be forwarded to a National Appeals Committee.
 3. The Appeals Committee shall complete an investigation and report its findings and recommendations in writing to the Parties and to the President of the state association at least 24 hours before the report is presented to the National Delegates.

Section 2. National.

- A. A member aggrieved by an action of the National Association or Officer thereof shall have the right to appeal directly to the National Board.
 1. The appeal must be in writing and be filed with the National President within 30 days of the action.
 2. Within 15 days of receipt of the appeal, the National Board shall retain the appeal for investigation, forward the appeal to the National Appeals Commission or, if received within 90 days of the first business session of the National Convention, refer the appeal to the Appeals Committee. The President shall notify the Charging Party(s) of the appeal's receipt and disposition.
 3. Should the National Board retain the appeal, it shall investigate, render a decision and notify the Charging Party(s) in writing within a reasonable period of time.
 4. Should the National Board forward the appeal to the National Appeals Commission, the commission shall complete an investigation and report its finding and recommendations in writing to the National Board within 30 days. Upon receipt, the National President shall notify the Charging Party(s) that the Commission's report is before the National Board. The National Board shall render a decision and notify the Charging Party(s) in writing within a reasonable period of time.
 5. Should the National Aboard refer the appeal to the Appeals Committee, the appeal shall be handed in accordance with the provisions that follows.

- B. A Party not satisfied with a decision rendered by the National Board shall have the right to appeal to the next National Convention.
 1. The appeal must be in writing and be filed with the National President within 30 days of receipt of the National Board's decision. The appeal, if received more than 45days prior to the National Convention, will be scheduled for that convention. If received within 45 days of the convention the appeal may be held until the following National Convention.
 2. Within 15 days of receipt of the appeal, the President shall notify the Party(s) that the appeal has been received and shall be forwarded to a National Appeals Committee.
 3. The Appeals Committee shall complete an investigation and report its findings and recommendations in writing to the Parties at least 24 hours before the report is presented to the National Delegates.

Section. 3. Administration. At every level of appeal, members shall be afforded the rights of due process and the right to appeal an adverse decision to the next level. The National Board shall have full authority to intervene to protect the members of the Association. Correspondence shall be by certified mail, return receipt requested. Costs of the state investigation and action shall be borne by the state association; costs of the National Appeals Commission and Appeals Committee shall be borne by the National Association. NO legal proceeding may be initiated until the appeal procedures provided herein have been exhausted.

(NOTE: Sections 1, 2, 3 of this Article cannot be amended unless the National Rural Letter Carriers' Constitution is amended.)

ARTICLE XIII Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the association in all cases to which they are applicable and in which they are not inconsistent with the Constitution and any special rules of order the association may adopt.

(NOTE: This Article cannot be amended unless the National Rural Letter Carriers' Constitution is amended.)

ARTICLE XIV

Ratification of National Contract

Section 1. Presentation

National Agreements reached between the Association and the USPS shall be presented to the membership via *The National Rural Letter Carrier* and in Ratification Meetings held nationwide. At least one Ratification Meeting shall be held within each state association.

Section 2. Ratification Vote

A ballot vote of the members of the Association shall determine the ratification of the proposed National Agreement. The National Secretary-Treasurer shall mail a ballot by First Class mail to Bargaining Unit Members. The ballot shall clearly define a YES vote as "in favor of" ratification and a NO vote as "opposed to" ratification. The ballot shall also clearly indicate a deadline for receipt in the National Office, as determined by the National Board.

Section 3. Ratification Committee

A National Ratification Committee of nine Bargaining Unit Members shall count the ballots. The members shall be selected as follows: two members selected from each geographic area served by the four Executive Committeemen (one member who holds an elected State Board or a District Representative position and the other from the general membership) and a ninth member selected at large. No National Officer shall serve on the committee. The National President, with the approval of the National Board, shall make appointments to the National Ratification Committee, including the designation of a Chair.

Section 4. Ballot Tabulation

Ratification ballots shall be totaled by state, and the results posted on the NRLCA Website and reported in the next available issue of *The National Rural Letter Carriers*. The proposed National Agreement shall be considered rejected in the event of a tie.

Section 5. State Responsibilities

- A. The State Board shall conduct informational meetings concerning the proposed National Agreement in at least three (3) sections of the state.

- B. In the event the National Agreement is settled through arbitration, the State Board shall conduct information meetings in at least three (3) sections of the state.

(NOTE: Sections 1, 2, 3, and 4 cannot be amended unless the National Rural Letter Carriers' Constitution is amended.)

ARTICLE XV

Amendment of Constitution

Section 1. Compliance.

- A. The NYRLCA Constitution shall be in compliance with the National Rural Letter Carriers' Association Constitution and with Federal Labor Laws.
- B. All County or Area Association Constitution shall be in compliance with the National Rural Letter Carriers' Association Constitution, the NYRLCA Constitution, and with Federal Labor Laws.
- C. County and Area Associations are subordinate to the NYRLCA and the NYRLCA is subordinate to the National Association.

Section 2. Amendment.

- A. This Constitution may be amended or revised at any State Convention by a two-thirds vote of the delegates present and voting at the meeting. All amendments or revisions shall take effect immediately upon adoption unless a different effective date is stipulated in the amendment or revision.
- B. Any amendment to this Constitution necessary to bring this Constitution in compliance with the Constitution of the NRLCA and/or federal or state law may be enacted by the Executive Board of the NYRLCA. The amendment shall be published in the next issue of the *Empire State Rural Letter Carriers' Newsletter* following the enactment of any amendment.

Section 3. Null and Void. Any provision of this Constitution which conflicts with any Federal or State Law, Regulation, or Ordinance shall be declared null and void as to those jurisdictions in which said Federal or State Law, Regulation, or Ordinance is in force and effect.