



NATIONAL CONSTITUTION AND BYLAWS

NATIONAL ASSOCIATION OF INDEPENDENT LABOR
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NATIONAL CONSTITUTION & BYLAWS
OF THE NATIONAL ASSOCIATION OF INDEPENDENT LABOR

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PREAMBLE

We, who are employed by the Government of the United States, the individual states, counties, municipalities and corporations doing business with Federal, State, County and Municipal government in order to form a union of government employees, do pledge ourselves to improve the general welfare of all governmental employees and their families and dependants, in the interest of a higher standard of citizenship and do ordain and establish these By-Laws and Constitution of the National Association of Independent Labor.

NATIONAL CONSTITUTION & BY-LAWS OF THE NATIONAL ASSOCIATION OF INDEPENDENT LABOR

ARTICLE 1 NAME AND OFFICE

SECTION 1.

This organization shall be known as the National Association of Independent Labor and may also be referred to as NAIL.

SECTION 2.

The National Association of Independent Labor shall maintain its headquarters at the place designated by the National President subject to the approval of the National Executive Committee.

ARTICLE II ORGANIZATION

SECTION 1.

The National Association of Independent Labor shall be organized by Local Units. The National Executive Committee may establish Local Units in the territorial Commonwealths and insular possessions of the United States and in foreign countries.

SECTION 2.

The dues structure by NAIL and any division thereof shall not be changed except by a majority vote of duly constituted delegates to a regularly scheduled or special National Convention.

ARTICLE III COUNCILS

SECTION 1.

The Union may establish subordinate councils made up of Local Units, as deemed necessary by the National President and the National Executive Committee.

ARTICLE IV

LOCAL UNITS

SECTION 1.

Local Units may be chartered by Federal activity, State, County, City, Town or other political subdivision for which the National President and National Executive Committee may authorize additional locals to be chartered in Counties, Cities, Towns, or Municipalities where local already exist.

SECTION 2.

Each Local Unit shall bear a number assigned by the National Executive Committee.

SECTION 3.

Those who desire to form a Local Unit shall make a written application to the National President. The National President and the National Executive Secretary shall review such application, and upon their approval, the Charter Members will be notified by the National Executive Committee.

SECTION 4.

Upon organization of a Local Unit the members shall elect a President, one or more Vice Presidents, a Treasurer and such other officers as they shall deem advisable form the membership of the Local Unit.

SECTION 5.

All officers of a Local Unit shall be elected by a plurality vote of the membership participating in the election who are eligible to vote. The election shall be by secret ballot not less than once every three years. Absentee balloting may be permitted subject to the regulations of the U.S. Department of Labor.

SECTION 6.

No less than fifteen days prior to the election, notice thereof shall be mailed to each member at his last known home address. A reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and hold office and shall have the right to vote for or otherwise support the candidate of his choice, without being subject to penalty, discipline or improper interference or reprisal of any kind by the local Unit or any member thereof. Each member eligible to vote shall be declared ineligible to vote or be a candidate for office by reason of alleged delay or default in the payment of dues. The votes cast shall be counted; the results published separately the ballots and records pertaining to the election shall be preserved for one year.

No monies received by way of dues, assessment, or similar levy, shall be contributed or applied to promote the candidacy of any person in an election. However, such monies may be utilized for notices, factual statement of issue not involving candidates, and other expenses necessary for the holding of an election.

SECTION 7.

Each newly authorized Local Unit may adopt as its constitution and bylaws, the Constitution and By-Laws of the National Association of Independent Labor, unless such local notifies the National Execution Committee within thirty days after receipt of approval of its application from the National Executive Secretary of its intention not to adopt the National Constitution and within 180 days from the receipt of approval from the National Executive Secretary forwards a constitution and by-laws drawn and adopted by the Local consistent with the National Constitution and by-laws. No permanent charter will be issued until the requirements of this section are fulfilled.

ARTICLE V DISCIPLINE OF LOCALS AND MEMBERS

SECTION 1.

Local Units, their officers or members, may be charged with:

- (1) Violation of any specific provision of this constitution or of the constitution and by-laws of NAIL or the by-laws of the Local Unit;
- (2) Violation of the oath of loyalty to NAIL and the Local Unit;
- (3) Violation of an oath of office;
- (4) Gross disloyalty or conduct unbecoming a member;
- (5) In an officer, gross inefficiency, which might hinder and/or impair the interest of NAIL or the Local Unit.
- (6) Financial malpractice;
- (7) Engaging in corrupt or unethical practices or racketeering;
- (8) Advocating or engaging in dual unionism or secession;
- (9) Disobedience to the regulations; rules mandates and decrees of NAIL of the Local Unit.
- (10) The wrongful taking or retaining of any money, books, papers and any other property belonging to the National Association of Independent Labor or Local Unit; or the wrongful destruction, mutilation or erasure of any books, records, wills, receipts, vouchers and other property of the National Union or the Local Unit;
- (11) Violating wage or work standards established by NAIL or a Local Unit.
- (12) The bringing of false charges against a member or officer without good faith or with malicious intent.
- (13) Fails to pay his or her proper union membership dues.

- (14) When a local cannot represent their members on grievances, arbitration matters, etc.; before the agency, their department or their company.

SECTION 2.

(a) Charges against any member or officer or a Local Unit shall be filed in duplicate with the Secretary of the Local union, 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.

(b) The Executive Board of the Local Unit shall act as the trial body, unless the constitution and the by-laws of the Local Unit provide for another trial procedure. The accused may appear in person and with witnesses to answer the charges against him or her and shall be afforded a full and fair hearing. The accused may select a member of his or her Local Unit, or an attorney if the constitution and by-laws of the Local Unit so permit, to represent the accused in the presentation of defense.

(c) If the charges or any portion thereof are sustained then the trial body shall render judgement and impose disciplinary action as provided for in this constitution. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the Local Unit.

(d) If the constitution and by-laws of the Local unit so provide, the decision of the trial body shall be reported the next regular membership meeting of the Local Unit for such action as is provided for in the constitution and by-laws for the Local Unit.

(e) If the National President believes that charges filed against any officer of a Local Unit involve a situation which may seriously jeopardize the interest of the Local unit, NAIL National President may suspend such officer from office in the Local Unit until a decision has been reached.

(f) The National President may assume original jurisdiction:

(i) If the National President, the Local Unit Executive Board, a Local Unit officer of a Local Unit member, or members believes that the charges filed against a member or officer of Local Unit involve a situation which may seriously jeopardize the interest of the Local Unit or the National Union or that the hearing procedure of the Local Unit will not completely protect the interest of a member, officer of Local Unit and such party requests that the National President assume original jurisdiction.

(ii) If the National President as a result of an investigation believes that the charges filed against a member or officer involve a situation which may seriously jeopardize the interest of the Local Unit or the National Union.

SECTION 3.

Charges against a Local Unit or an officer of the National Unit shall be filed in duplicate with the National Executive Secretary, who shall serve a copy thereof upon 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 National Executive Board may hold a hearing on the charges either itself or before a hearing officer or officers designated by it. If the hearing is conducted by a hearing officer or officers, the National Executive board shall make its decisions upon the record taken at the hearing and the report of the hearing officer or officers.

SECTION 4.

In all hearings or trials provided herein, if the member filing charges is a member of the trial body he or she may appear and be heard in support of the charges, but shall be ineligible to participate in the consideration or the decision on such charges. 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.

SECTION 5.

- (a) Decision and penalties imposed upon members, officers of Local Units found guilty of charges may, as the case requires, consist of reprimands, fines, suspensions, expulsions, removal from office, deprivation of privileges or benefits, revocation of charter, or commands to do or perform, or refrain from doing or performing specific acts.
- (b) The penalty of a fine shall provide for its payments to the Local Unit. If the penalty consists only of a fine and an appeal filed, the accused may deposit such fine (but such deposit need not exceed the sum of \$100.00) with the Local Unit or the National Union pending the outcome of the appeal and thereupon the accused shall be restored to all rights of membership. If the decision is reversed, the fine shall be refunded.

SECTION 6.

An appeal to the National Executive Committee may be taken by either the accused or the member filing the charges from any decision of a Local Unit with respect to such charges provided such a 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 the appeal, the decision appealed from shall remain in full force, unless it is stayed by the National Executive Committee. The National Executive Committee may decide the appeal records made by the trial body or may, in its discretion, upon at least ten (10) days notice, hear argument 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 7.

Subject to the provisions of applicable statutes, every Local Unit or member or officer thereof or officer of the national Union against whom charges have been preferred and disciplinary action taken as a result thereof or who claims to be aggrieved as a result of adverse rulings or decisions rendered, agrees, as a condition of membership or affiliation to exhaust all remedies provided for in the constitution and by-laws of the National union and the Local Unit and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

SECTION 8.

In case of the dissolution or the expulsion of a local unit or an officer of a local unit or a National Officer, all funds, all properties, books and assets belonging to the unit, or the National Association, which are or might be in the possession of the local unit, or an officer of the local unit, or a National Officer shall be turned over to a duly authorized representative to the National Association of Independent Labor designated by the National president or the Nation Executive Committee and the National Association of Independent Labor shall have the right to possession of such funds, properties, books as assets. All such funds, properties, books, and assets received by the National Union shall be held in trust by it until such time as such local unit which has been dissolved or expelled is either reconstituted, re-chartered or reorganized, at which time such funds, properties, books and assets shall be returned to such a reconstituted, re-chartered or reorganized with a period of two (2) years from the time such funds, properties, books and assets shall become the property of said National Association of Independent Labor Federal Employees.

SECTION 9.

In all cases where a local unit has been suspended under the provisions of this Constitution and By-Laws, the National President shall have the power to assume charge of the affairs and business of such suspended local unity by the appointment a trustee for the purpose of assuming such charge. Such trustee shall have the right upon demand, to all the funds, properties, books and assets of the suspended organization for the period that he or she is in charge such properties to be held in trust for the benefit of the subordinate body and be expended only to the extent necessary for the proper conduct of the affairs of the subordinate body.

The trustee shall be adequately bonded. The trustee so appointed shall be authorized and empowered to remove any or all officers for the duration of his trusteeship, and to take such other actions as in his judgment are necessary for the preservation of the local unit, all subject to the direction, instructions, and approval of the National President. Any officer who may be suspended by the trustee under the provisions of this section shall surrender to him or her upon proper receipt therefore all monies, books and properties of the local unit. The trustee may appoint temporary local

officers. The trustee shall be empowered to pay all claims, which are properly approved if funds therefore are available, and in all necessary particulars to conduct the affairs and management of the local unit with the assistance of the temporary officers herein provided for until the trusteeship is terminated. Expenses including salaries, but not exceeding the current cost of administration of the affairs of the local unit which are assumed by such trustee, shall be paid out of the funds of the local unit, if they are available; otherwise they shall be continued no longer than is necessary to coordinate and reorganize the affair of the local unit and shall in all events be concluded as soon as practicable within the judgment of the National President; provided, however, that the suspended local unit shall have the right to appeal to the National Executive Committee for removal of the trusteeship if it is deemed that such trustee has been continued longer than is necessary; provided further, however, that no such appeal shall be made at an interval of less than six (6) months. In connection with any such appeal, the local unit involved shall have the right to a full hearing in the question of whether the trusteeship shall be continued. In no event, shall a trusteeship be continued for a period longer than two (2) years.

SECTION 10.

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 as follows:

- (a) From the disciplinary action of, or dismissal of charges by a local,
 - 1) to the National President
 - 2) to the National Executive Committee and
 - 3) to the Convention
- (b) From the disciplinary action of the National President,
 - 1) to the National Executive Committee, and
 - 2) to the Convention
- (c) the disciplinary action of, or dismissal of charges by the National Executive committee,
 - 1) to the Convention

SECTION 11.

In action as an appeal board, the National Executive Committee may appoint one or more of its members, who shall be impartial, to act for it for the purpose of hearing any appeal, in which case the member so named shall make recommendation to the National Executive Committee concerning the disposition of the appeal, but the National Executive Committee shall determine of itself what final disposition shall be made of the appeal.

SECTION 12.

Appeals shall be taken within reasonable time not to exceed thirty (30) days from the date that notice of disposition of the charges of any intermediate appeal is received; provided, however, that the appellant body may, in its discretion, extend such time for appeal if circumstances so warrant. Appeals shall be in writing and shall state the basis of the appeal. The appellee shall be permitted to present such personal appeal in person before any appellate tribunal, provided however, that in the case of an appeal to a Convention, such as personal appeal shall be limited to appearance before the Convention Committee established to deal with appeals unless such appeals committee or the Convention itself determines to permit a personal appearance before the Convention.

SECTION 13.

Individuals or subordinate bodies against whom disciplinary action has been taken shall be obligated to exhaust all remedies provided in this Constitution and By-Laws before resorting to a court of law or other tribunal.

SECTION 14.

Any member of a Local may use the following procedure to appeal the results of an election for local officers and delegates to the National Convention.

Within seven (7) calendar days after the tally of ballots has been furnished to the members of the Local, any member of that Local may file objections to the election or conduct effecting results of the election to the Local's Executive Committee or Board of Directors. Objections must be made in writing and must contain specific reasons in support thereof.

ARTICLE VI

ELIGIBILITY FOR MEMBERSHIP

SECTION 1.

(A) Subject the provisions of this Article VI, any person shall be eligible for membership in the National Association of Independent Labor who is (1) employed in a civilian capacity by the Government of the United States and the District of Columbia, by the Governments of the several States, Counties, Cities, Town, Municipalities and Corporations doing business with the federal, state, county and municipal governments without regard to race, creed, color, national origin, age or sex; and (ii) pays all dues and maintains his or her dues payments on a current basis with the National Union;

(B) If, however, any Local Unit can prove to the satisfaction of the National President that the membership of any individual would be detrimental to the welfare of the Local it may present such facts, in writing, to the National President for authority to refuse to accept such person as a member. The National President shall consider all the facts and circumstances and render a decision in the matter, subject to appeal by

either the applicant or the Local to the National Executive Committee whose decision shall be final and binding.

(C) Those members in good standing at the time of their retirement may elect to remain a member of NAIL by:

(i) Paying an annual membership fee of \$35.00 directly to the National. Those retired members shall be eligible to hold National Offices and/or be a member of any such National Committee(s) as appointed by the National President;

(ii) Paying an amount equal to full annual due to the National; those members shall be eligible to hold Local and/or National offices and/or be a member of any such National Committee(s) as appointed by the National President.

(D) Any individual member who has an on-going employment issue at the time of his/her separation from the bargaining unit shall be required to continue to pay full dues in order to maintain union benefits.

(E) Any individual who is currently pursuing or receiving benefits under workers' compensation shall be required to continue to pay full dues in order to maintain union benefits.

(F) Any individual member under sections (C)(ii), (D) and (E) of this article shall be treated as a member of his or her previously determined Local for purposes of per capita accounting and voting rights.

SECTION 2.

This Union shall exclude from membership persons affiliated with any organization or movement, whose purposes and objectives are contrary to the fundamental principles of the established Government of the United States, undertakes the overthrow of the Government of the United States or of Canada, or assists or participates in a strike against the Government of the United States or any agency thereof or imposes a duty or obligation to conduct, assist or participate in a strike or who are openly and notoriously identified with corrupt influences.

SECTION 3.

No person may be a member of more than one NAIL Local Unit at any one time.

SECTION 4.

No person may become a member of the National Union or any Local Unit who has, at any time, engaged in any conduct in violation of Article V, Section 1 of the National Constitution without obtaining a waiver of these provisions by the Executive Board of the Local Unit and the National Executive Committee.

SECTION 5.

Any member in good standing in a Local Unit, who has been assigned to the jurisdiction of another Local Unit, shall be entitled to a certificate from his original Local Unit, stating his membership and the duration thereof.

SECTION 6.

The National Association of Independent Labor subscribes or the pertinent Executive Order, Labor Management Relations rules, regulations and laws governing the Federal "standards of Conduct for Labor Organizations" and subscribes to comparable codes for States, Counties, Municipalities and their subdivisions as may be applicable.

SECTION 7.

No person shall use, conspire to use, to threaten to use force or violence to restrain, coerce, or intimidate, or attempt to restrain, coerce or intimidate any member of the National Association of Independent Labor for the purpose of interfering with or preventing the exercise of any right to which he or she is entitled under the pertinent rules, regulations, laws and executive orders referred to in Section 8.

SECTION 8.

The National Association of Independent Labor prohibits its National and Local Unit officers and members from directly or indirectly through their spouse, minor child, or otherwise, from participating in business or financial interests which conflict with their duty to the Union.

SECTION 9.

No Local Unit or National Union shall directly or indirectly make any loan to any officer, member or employee which results in total indebtedness on the part of such officer, member or employee to the Association in excess of \$2,000.00.

SECTION 10.

Nothing in this or any other provision of this constitution shall prevent a Local Unit from investing funds in state chartered credit unions as well as Federal credit unions or in the Federally insured savings and loans assistants, wherever such investments shall be authorized by a regular meeting of the local or by the National Executive Committee.

SECTION 11.

No member may resign from his membership in the National Union or subordinate body before he or she has paid all dues and other obligations due the National Union and all its subordinate bodies or during a period he or she is the subject of any disciplinary action described in Article V and no resignation shall become effective until such payment is made or such disciplinary proceeding is completed unless the member shall have received the written approval as to his resignation from the National President.

ARTICLE VII

GOVERNING BODY

Section 1.

The legislative body of the National Association of Independent Labor shall be the National Convention, and except as otherwise provided in this Constitution, the decisions of the Convention shall be by majority vote.

SECTION 2.

The Convention of the Union shall be held every two (2) years at a time to be fixed by the preceding National Convention.

In the event of a local or national emergency, which renders the holding of a Convention impracticable, the National Executive Committee, by a majority vote, may postpone the holding of the Convention until such time as it may be practicable to hold a Convention. In such event, the date and location of the Convention will be left to the discretion of the National Executive Committee.

SECTION 3.

The National President is authorized to appoint, with the approval of the National Executive Committee, such committees and chairman thereof, as may be necessary to serve during the Convention.

SECTION 4.

Rules and order of business governing the preceding Convention shall be in force from the opening of any Convention of the National Association of Independent Labor until new rules have been adopted by action of the Convention.

SECTION 5.

Each Local Unit may elect delegates to any convention who shall have authority to vote at such convention on behalf of that Local Unit. An elected delegate must be a member in good standing of the National Union, but need not be a member of the Local Unit electing him or her as a delegate. Election of delegates must be conducted by secret ballot. Local Unit officer selected by secret ballot also may be voting delegates to intermediate or national and international bodies including National Conventions if the Constitution and By-Laws of the Local Unit so provide. Notice of the election must be mailed to each member of the local at his 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 one year the ballots and all other records pertaining to the election.

SECTION 6.

In the National Convention, each Local Unit shall be entitled to one vote for each ten members or fraction thereof, in good standing on the first day of the month of the National Convention.

SECTION 7.

The vote of any Local Unit delegate absent and not represented by an alternate, shall be cast by the majority of the delegates present from his Local Unit.

SECTION 8.

A quorum for the transaction of business shall consist of not less than one-fourth of the delegates properly seated by the Convention.

SECTION 9.

A special National Convention of NAIL can be called by either:

(a) The National President, with the approval of two thirds of the members of the National Executive Committee: or

(b) A majority of the Locals then chartered by the Union.

ARTICLE VIII
NATIONAL OFFICERS

SECTION 1.

The National Convention shall elect the National President, a National Vice President, a National Treasurer and a National Executive Secretary, all of whom shall be required to devote their time to the affairs of the National Union. All National Officers shall be members in good standing of NAIL and maintain such membership during their term of the office and all National Officers shall pay their dues directly to the National Organization to fulfill the requirements of this section.

SECTION 2.

Such officers shall serve until the election and installation of their successors at the succeeding National Convention following their election. Vacancies in these offices occurring between National Conventions shall be filled by the National Executive Committee, at a meeting called for that purpose, and any member of the Association in good standing for one year shall be eligible for election to such vacancy.

SECTION 3.

National President. The National President shall be Chief Executive Officer of the Association and shall administer the affairs of the Association subject to the Approval of the Executive Committee. He or she shall enforce the National Constitution and By-Laws; it shall be his duty to carry out the will of the National Convention. He or she will sign all official documents pertaining to his office. He or she shall be solely responsible for establishing the wages, hours and working conditions of all Employees and Officers of the National Association. He or she shall be solely responsible for the hiring of employees for the National Union and with the approval of the National Executive Committee for retaining attorneys (both as staff employees and outside

counsel). He or she/she will be responsible and for making all other agreements for the furnishing of services and supplies required by the National Union. He or she will have the authority to assign and transfer national officers to various NAIL offices in the United States.

He or she shall be solely responsible for the retaining of all administrative staff in the offices of the National Association. He or she shall be the Chairman of the National Convention and the National Executive Committee and a member of all committees.

He or she shall appoint a Budget/Finance Committee of not less than three members, one of whom shall be the National Treasurer. The duties of the Budget/Finance Committee shall be to estimate the revenue of the Union, present it to the National Executive Committee for approval and make recommendations related to the finances of the Union. The President will make a yearly audit of the National Treasurer immediately following the close of the fiscal year, and at such other times as the President or the National Executive Committee shall deem advisable. Copies of the statement of conditional and of the annual audit report will be furnished to members of the National Executive Committee and mailed/email to each Local President. He or she shall also perform such other duties as are usually incidental to his office.

SECTION 4.

The National Vice President shall act as the representatives of the National President on all matters referred to him or her by the National President and shall be a member of the National Executive Committee.

SECTION 5.

National Treasurer. The National Treasurer shall be the custodian of the funds of the National Union and shall receive and receipt all monies. He or she shall disperse monies of the National Association of Independent Labor in payments of obligations incurred on behalf of the Union upon the proper presentation of a voucher signed by the National President, National Officer, or the National Executive Committee. The National Treasurer shall set up, with the approval of the National Executive Committee, a checking account for the National President or any of the National Officers where such account is approved in writing by the National President but only for the purpose specified by the National President. Each check drawn upon the general account of the National Union shall be signed, jointly, by the National Treasurer or the National Executive Secretary and the National President. The National Treasurer shall be a member of the National Executive Committee. He or she shall also perform such other duties as are usually incidental to the office of treasurer. The National Treasurer shall, with the approval of the National President and subject to policies approved by the National Executive Committee, invest any surplus funds of the Union. In making such investments shall be made in accordance with the "Prudent Man Rule." In addition to the foregoing powers and discretion, the National Treasurer is authorized to purchase certificates of deposits, securities of United States corporations, commercial notes, bonds, shares of common stock and to make investments in the securities of registered investment companies. In connection with the investments of the Association, the

National Treasurer authorized, subject to the approval of the National Executive Committee, to pay the reasonable fees and expenses of any bank or investment counselor for advice with respect to such transactions.

SECTION 6.

(a) The National Executive Secretary will be a member of the National Executive Committee. He or she shall act as the Administrative Officer of the Union at the request of or in the absence of the National President. He or she shall be responsible for all organizing activities of the National Union. In the absence of the National President, the National Executive Secretary shall, upon the President's request, preside over the meetings of the National Convention or the National Executive Committee.

(b) The National Executive Secretary shall be the Chief Financial Officer for the National Association and shall assure that the National Treasurer performs the duties as outlined in Section 5 of this Article and makes his/her reports to the National President.

(c) He or she shall have the custody of and maintain the papers and other documents and effects of the National Association and papers and documents of the National Association. He or she shall conduct the correspondence pertaining to the general office and the Executive Committee.

(d) The National Executive Secretary shall direct all National membership drives. He or she shall make a report at least twice a year to the National Executive Committee of the Organization.

(e) The National Executive Secretary shall be authorized in the event of the death or resignation of the National President to summon the National Executive Committee for the election and installation of a successor. In the event that the National Executive Secretary shall fail, refuse or neglect, within 15 days after said death or resignation, to issue a call for said meeting of the National Executive Committee to be held within thirty days after said death or resignation, then said meeting for the purpose of electing a successor may be held upon the written demand signed by representatives of a majority of Locals, giving fifteen days notice thereof.

SECTION 7.

The National Convention shall elect two alternate National Vice Presidents who will serve in the absence of a Vice President. In case of a retirement or any cause wherein an elected Vice President cannot fulfill his or her duties as a Vice President, the National President, the National President will assign the full duties and responsibilities to the first alternate Vice President and if, for any reason, another vacancy of a Vice President shall exist, the second alternate Vice President will assume the full duties and responsibilities of a Vice President.

ARTICLE IX

NATIONAL EXECUTIVE COMMITTEE

SECTION 1.

Between National Conventions the administrative powers shall be vested in the National Executive Committee. The National Executive Committee shall have power to make rules to govern matters not in conflict with this Constitution.

SECTION 2.

The National Executive Committee shall be composed of the National President, the National Vice President, the National Treasurer, and the National Executive Secretary; each member of the National Executive Committee shall have one vote on all matters coming before said Committee.

SECTION 3.

Members of the National Executive Committee shall be delegates to the National Convention with one (1) vote, except that the vote of the National President shall be exercised only in his capacity as Chairman of the National Convention.

SECTION 4.

The National Executive Committee shall meet:

- (a) Within twenty-four hours after adjournment of the National Convention, and
- (b) At least semi-annually during each fiscal year,
- (c) At such time or times as determined by the National President,
- (d) Within ten days after the written request of two or more members of the National Executive Committee, and
- (e) Immediately preceding the holding of the succeeding National Convention.

SECTION 5.

Two-thirds of the members shall constitute a quorum of the National Committee. When the National Executive Committee is not in meeting and the National President deems it necessary for the National Executive Board to act promptly, the National Executive Secretary shall poll the National Executive Committee and such action and a vote may be taken by telephone, email, or letter. Such action so taken on vote two-thirds of the members of the National Executive Committee shall constitute official action of the National Executive Committee.

SECTION 6.

The National Executive Committee may, at an appropriate time, retain a group to develop a fair and equitable contributory retirement plan similar to U.S. Government Civil Service Plan and other fringe benefit programs, including health, accident, major medical and life insurance benefits on behalf of full time employees, including National Officers of the National Union.

SECTION 7.

All questions affecting the election, eligibility and conduct of the National Officers shall be referred to and determined by the National Executive Committee, which shall be the final authority thereon except as to recall proceedings.

SECTION 8.

A majority vote of the members of the majority of Local Units who have sufficient proof at hand to show that a National Officer or Officers have acted dishonestly or otherwise detrimental to the best interests of the rank and file members, can file a petition for recall with the National Executive Committee. A copy of the charges, which shall be made in duplicate form, must be submitted with petitions for recall. The National Executive Committee shall send one copy of the charges to the Officer who has had recall proceedings filed against him or her, and shall be given an opportunity for defense. Fifteen days shall be allowed for him or her to reply to the charges, same to be in writing. If after fifteen days the National Executive Committee has failed to receive a reply, they shall proceed with the recall election. Copies of the charges and the reply, if any, to be sent out with each ballot shall contain not more than one thousand words each.

ARTICLE X **BONDING OF OFFICERS AND EMPLOYEES**

SECTION 1.

Every National Officer and every employee of the National Union who handles funds or other property of the National shall be bonded, with a recognized surety company, in accordance with the provisions of Section 502(a) of the Federal Reporting and Disclosure Act of 1959, as amended. The bond of each such person shall be fixed at the time they take office and shall be in an amount not less than 10 percent of the funds handled by such person and his predecessor or predecessors, if any, during the preceding fiscal year of the National, but in no case more than \$500,000.

SECTION 2.

Except with respect to a Local Unit whose property or annual receipt does not exceed \$5,000.00 in value, every officer, agent, or employee of any Local handling funds or other property of such Local shall be bonded in the same manner as provided for National Officers and employees of the National Union under Section 1 of this Article.

ARTICLE XI REVENUES

SECTION 1.

The financial records of the National Office and the Local Units shall be kept on a fiscal year basis. The fiscal year shall begin January first and end on December thirty-first.

SECTION 2.

The revenue of the Union shall be derived from membership dues and from such other sources as may be approved by the National Convention and implemented by the National Executive Committee.

SECTION 3.

All Local Units will receive the prescribed national per capita as established by the National Executive Committee for each of its members less appropriate government booking charges.

SECTION 4.

Local Units meeting the requirements of voluntary dues allotments (Dues Check-Off) will sign an agreement with their agency whereby the Agency will deduct the specific dues and make all payments direct to:

National Association of Independent Labor
4652-A Haygood Road
Virginia Beach, Virginia 23455

or such other address as the National Treasurer shall designate to each Local Units by written notice.

SECTION 5.

Upon receipt of said dues, the National Treasurer will periodically return to said Local (at least once every two months) the Local's share of the dues collections so paid.

SECTION 6.

Any Local Unit which fails to pay the said dues on or before the fifteenth day of each month shall be notified by the National Treasurer, and if at the end of three months thereafter it is still in arrears, it shall become suspended for six months, shall surrender its charter to the National Treasurer and forfeit all rights and privileges in this Union.

SECTION 7.

A suspended Local Unit may be reinstated in this Union upon payment of all arrearages; provided, however, that the National President shall, in exceptional cases have the power to remit or abate such arrearages in whole or in part when circumstances warrant such action.

SECTION 8.

Local Units shall conduct an audit on an annual basis. A copy of such audit shall be furnished to the National Treasurer no later than forty-five days after the close of the year fiscal as defined in Section 1 of this Article.

SECTION 9.

The National Treasurer shall have the authority to direct an audit of the books and financial records of any Local Unit to determine its financial status whenever it is deemed advisable or when in his opinion a Local is not remitting per capita tax on the membership to which the National Union is entitled.

ARTICLE XII

AMENDMENTS TO THE CONSTITUTION

SECTION 1.

Amendments to the National Constitution and By-Laws may be proposed by a Local Unit any time not later than ninety days prior to the National Convention and shall be forwarded to the National Executive Secretary, who shall give notice thereof to all Local Units at least sixty days prior to said Convention. Such amendments shall be considered adopted upon majority vote of the total authorized representation at said Convention.

SECTION 2.

Amendments to the National Constitution and By-Laws which shall not have been presented as prescribed in Section 1 of this Article, may be proposed at the National Convention, by adoption shall be only on or with the two-thirds vote of the total authorized representation at said Convention.

SECTION 3.

Amendments by referendum. Any Local Unit of the National Association of Independent Labor and/or the National President with approval of the National Executive Committee may prepare and circulate a petition for the purpose of causing a resolution of National importance or amendment to the Constitution to be brought to a vote of the whole Union.

SECTION 4.

Before circulation of such a petition by a Local Unit, the National President shall be notified in writing of such action and furnished with a copy or draft of the proposed question, resolution or amendment.

If such a petition is subscribed to by a majority of signature of the members of the majority of Local Units, from three different regions established under Article II Section I, such total majority to represent ten percent (10%) of the overall membership of the National Association of Independent Labor, the National President must submit such referendum or amendment to the Constitution to a referendum vote as hereinafter

prescribed; provided, however, that any Constitution of this Association may, by motion submit any resolution or amendment to the entire membership.

SECTION 5.

Such petition shall be filed with the National President. The National Executive Secretary shall furnish ballots as provided in Section 8 hereof.

SECTION 6.

The proposition and a sample ballot shall be printed in the official organ at least one month before the mailing of the referendum ballots.

SECTION 7.

The National President shall appoint a Referendum Election Committee of ten members, five to be on one side of the proposition to be voted and five on the other, no two of whom shall be members of the same Local Unit, to canvas the vote and count the ballots at National Headquarters. The Referendum Election Committee shall separate the returned ballots according to Local Units against the mailing list for Local Units by means of the return card, and shall then remove the sealed blank envelope containing the ballot and place it in its proper receptacle. After all such ballots from a Local Unit have been so placed in the receptacle they shall be opened and the ballots removed from the envelopes.

The Referendum Election Committee shall then proceed to count the ballots. Upon completion of the count, the Referendum Election Committee shall certify the results of their count to the National President. They shall make a written report showing the number of ballots invalidated and the number of votes cast from each Local Unit for each side of the proposition submitted.

The results of the Referendum vote shall be posted on the NAIL webpage and emailed to each local unit.

SECTION 8.

The National Executive Secretary shall mail to each member at his last known address appearing on the official records of the National Union one (1) ballot, one (1) blank envelope, and one (1) business reply envelope, bearing the return card of the member. The mailing list shall be the same as the mailing list used to distribute the issue of the Union's official newspaper containing a sample ballot. The ballots mailed to the members of any Local Unit shall not exceed the number on which per capita tax is currently paid. The member shall mark his ballot, place it in the return envelope, which shall in turn be sealed and enclosed in the business reply envelope. The National Executive Secretary shall obtain a post office box to which all ballots shall be returned. The ballots may be withdrawn from the post office box only by two or more members of the referendum Election Committee. A letter of instructions only shall accompany the ballots mailed to the membership and no circular material; either prepared by the Referendum Election Committee and signed by two or more of the said Committee but shall contain all of the Committee's names.

SECTION 9.

Arguments for or against a referendum shall be posted on the Union's official webpage and emailed to the President of each local unit but not more than two thousand (2,000) words for a side. If more than one argument is submitted, the National Executive Secretary will post to the NAIL webpage and email to the President of each local that which is submitted by the Local initiating the proposition to be voted on.

SECTION 10.

It shall require a majority vote cast to decide all questions other than amendments to the Constitution, which shall require two-thirds (2/3) affirmative vote to carry and decide.

SECTION 11.

No resolution or amendment adopted by a referendum vote of the national membership may be appealed or amended within one (1) year after election.

SECTION 12.

This Constitution and By-Laws and any amendments thereto, unless otherwise provided, shall become effective immediately upon adoption.

ARTICLE XIII **THE HANDLING OF GRIEVANCES**

SECTION 1.

Any person employed in a bargaining unit represented by a Local Unit of the National Association of Independent Labor (hereinafter the "Grievant") shall have the following rights and shall employ the following remedies under the provisions of these Constitution and By-Laws if he or she believes that the Local Grievance Committee has acted improperly in handling his grievance under the Collective Bargaining Agreement.

SECTION 2.

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

STEP ONE: Grievant shall, within twenty-four hours of notification of the Local Unit committee's action complained of, notify member of the grievance Committee in writing that the grievant appeals the Committee's decision to the Local membership, unless the Local By-Laws provide that the grievance committee decision is final, in such a case, the grievant shall proceed to Step Two.

(a) The Local Unit shall, if possible, 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) The Grievant's appeal will be scheduled for hearing at the next regularly scheduled meeting of the Local Unit's membership. If no regularly scheduled meeting of the Local Unit membership will occur before the next step of the grievance procedure [as provided in subsection (a) above] expires, the Local Unit grievance committee shall continue to protect the Grievant's rights by proceeding to the next further step of the grievance proceeding, PROVIDED, that the obligation of the Local Unit Grievance Committee to protect the Grievant's rights by proceeding to the next step of the grievance procedure shall NOT include the obligation to membership, the Grievant and the Local Unit Grievance Committee will each be permitted a reasonable amount of time to present their respective positions. Thereafter, the attending the Local Unit membership meeting and the decision by the majority vote shall constitute a final determination as to whether or not to endorse or reject the Local Unit Grievance Committee's decision complained of.

(c) Subject to an Order of the National Officer under STEP TWO (c), if the membership of the local supports the Local Unit Grievance Committee's decision, the Local Unit Grievance Committee shall not be required to take any further affirmative action to advance the grievance and said grievance will be processed in accordance with the Grievance Committee's initial decision.

(d) If the Grievant is not satisfied with the decision of the local Unit's membership he or she may appeal to the National under STEP TWO.

STEP TWO: The Grievant must notify the National Office, in writing, within three (3) business days following the decision of the local Unit's membership, that he or she appeals the Local Unit's decision.

(a) Such appeal shall set forth a complete narrative statement as to the facts in support of the Grievance, a copy of the Collective Bargaining Agreement, the decision of the Local Unit 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. Such National Officer, at his sole discretion, may (1) render a decision conducting whatever investigation he or she deems necessary or (2) refer the matter for decision to the National Executive Committee.

(c) 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 Office under STEP TWO, (b) or (2) if the final decision under STEP TWO (b) is in favor of the Grievant, such National Officer shall order the Local Unit to take whatever actions he or she deems necessary to resolve the Grievant's complaint and to protect his rights under the Collective Bargaining Agreement.

SECTION 3.

Any member of a NAIL Bargaining 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 NAIL or its Local subordinate in any Court or other administrative body without first exhausting these internal procedures.

National President

Date

National Executive Secretary

Date