

## NTEU CHAPTER 212 BYLAWS

### Article 1 – Preamble and Constitution

#### Section 1.

These Bylaws ensure democratic self-governance, protect member rights, maintain financial integrity, and conduct elections and discipline consistent with the National Treasury Employees Union (“NTEU”) National Constitution and the Labor-Management Reporting and Disclosure Act (“LMRDA”) as interpreted and enforced by OLMS Title IV guidance and checklists, with Chapter rules construed to preserve federal safeguards and neutrality in official communications.

#### Section 2.

These Bylaws supersede all prior NTEU Chapter 212 Bylaws to the extent of any conflict, while preserving Chapter sovereignty recognized under the NTEU National Constitution and Bylaws implementing federal election standards and due-process requirements.

#### Section 3.

The Constitution of the as amended at the last NTEU National Convention is hereby adopted as the Constitution of NTEU Chapter 212. The Bylaws of NTEU Chapter 212 set forth the rules for the local administration and functions of the Chapter. No part of these Bylaws will be in force if they are contrary to or in conflict with the provisions of the NTEU National Constitution and Bylaws.

### Article II — Name, Jurisdiction, and Purpose

#### Section 1.

Name: The organization is National Treasury Employees Union Chapter 212 d/b/a NTEU Chapter 212.

#### Section 2. Jurisdiction

NTEU Chapter 212’s jurisdiction and charter are defined by NTEU National Headquarters and administered consistent with Article IV of the National Constitution and Bylaws.

#### Section 3. Purpose

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Promote fair representation, democratic governance, and compliance with national and federal standards, including transparent elections, due process in discipline, and financial accountability.

### **Section 4. Fiscal Year**

The fiscal year of Chapter 212 shall be from October 1 to September 30.

### **Section 5. National Constitution**

These Bylaws operate under and are subordinate to the NTEU National Constitution and Bylaws; conflicts are resolved in favor of the National Constitution and Bylaws.

### **Section 6. Chapter Autonomy**

Within this framework, NTEU Chapter 212 establishes internal procedures, maintains complete books and records, and conducts officer elections under Part IV of the National Constitution and Bylaws.

### **Section 7. Savings Clause**

If any provision is held invalid or in conflict with the National Constitution or law, remaining provisions remain enforceable.

## **Article III — Membership and Good Standing**

### **Section 1. Eligibility**

Any person who is presently employed within Chapter 212's jurisdiction as defined in Part II, Section 2, or any former employee, or any retired employee of the Federal Government is eligible for membership in this Chapter, regardless of race, creed, sex, age, religion or sexual orientation.

### **Section 2.**

A member of Chapter 212 is a present member, an employee, or new employee who is eligible for membership pursuant to the applicable provisions of the National Constitution and who has remitted to the Chapter and for whom the Chapter has remitted to the National Headquarters Office within sixty (60) days following the beginning of the fiscal year the total amount of national per capita dues payable as a cash payment, or one who has notified the Chapter and for whom the Chapter has notified the National Headquarters

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Office of an intention to remit the total amount of national per capita dues payable pursuant to the dues withholding program.

### **Section 3. Classification of membership in NTEU Chapter 212 shall mean:**

- a. Active employee member – any member presently employed by the Federal Government within the jurisdiction of Chapter 212.
- b. Retired member – any former employee of the Federal Government who is drawing an annuity under the U.S. Civil Service Retirement System.
- c. Former employee member – a member formerly employed by the Federal Government who left before he or she was eligible for retirement.
- d. Member-At-Large – a member who is not otherwise eligible for membership in this organization, and who shall not enjoy the privileges of NTEU membership in the National Organization and shall not be a voting member on those matters relating to the national or local NTEU organization.

### **Section 4. Good Standing**

“Member in good standing” means dues-current and not under suspension or expulsion; good standing is required to nominate, be nominated, vote, and hold office.

### **Section 5. Transfers**

Membership follows the employee’s post of duty; NTEU Chapter 212 may not impose transfer fees.

## **Article IV — Governance and Meetings**

### **Section 1. Executive Board**

Composed of President, First and Second Vice Presidents, Secretary, Treasurer, and Area Representatives, with quorum and cadence retained and clarified for teleconference/hybrid formats.

### **Section 2. Meetings**

At least two (2) annual membership meetings (Southern California and Northern California) with at least seven (7) days’ notice by electronic or written means; additional meetings may be called consistent with these rules.

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### **Section 3. Order of Business for Executive Board Meetings**

At each regular meeting of the Executive Board as provided by Part VI, Section 4, the following order of business shall be observed:

- a) Call to Order
- b) Updates from Board Members Regarding Unfinished Business
- c) Discussion and Debate of Agenda Items and New Business
- d) Scheduling of the Next Executive Board Meeting
- e) Adjournment

The above order of business may be suspended at any time by vote of the Executive Board members present at the meeting or unilaterally by the President who shall set forth the business to be transacted and the order of it.

### **Section 4. Rules of Order**

In the absence of any provision to the contrary in the Constitution and these Bylaws, all meetings of the Executive Board, Committees and Chapter meetings shall be governed by the parliamentary rules and usages contained in the then-current edition of “Robert’s Rules of Order.” Chapter Executive Board meeting minutes will be recorded and saved for seven (7) years to ensure continuity of leadership.

### **Section 5. Accessibility of Chapter Bylaws**

Copies of these Bylaws shall be made available to all members of Chapter 212, and to the National Headquarters Office via its website [www.NTEU212.org](http://www.NTEU212.org).

### **Section 6. Bylaws Amendments**

Amendments to these Bylaws shall be submitted in writing to the Chapter Executive Board for their recommendations and consideration. The President will then report the recommendations of the Executive Board to the next regular or special Chapter meeting, which may adopt such amendments by a majority vote, provided notice of the proposed amendment(s) was given at a previous meeting and/or all members were notified in writing at least seven (7) days before such meeting. Alternatively, these Bylaws may be amended by a mail referendum of the membership, provided that notice of the proposed amendment(s) was given through electronic or written means at least twenty-one (21) days

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before referendum ballots must be returned. These Bylaws, or any amendments thereto, shall become effective at midnight on the day on which they were approved.

### **Article V — Officers, Qualifications, and Duties**

#### **Section 1. Officers**

The elected officers of this Chapter shall be President; First Vice President; Second Vice President; Secretary; Treasurer; Area Representatives allocated by unit/area. Each bargaining unit represented by the Chapter (e.g., FDA, ACF, HRSA, OMHA, etc.) shall have one elected Area Representative on the Chapter Executive Board with the exception of FDA, which will have two elected Area Representatives as follows:

- i. One (1) elected Area Representative representing Southern California (the counties of Santa Barbara, Kern, San Bernardino, Los Angeles, Riverside, Orange, San Diego and Imperial) and the state of Arizona; and
- ii. One (1) elected Area Representative representing Northern California and the states of Hawaii and Nevada.

The Executive Board, by majority vote, may create additional Area Representative positions. Pursuant to the provisions of Part VI, Section 2, the Executive Board may appoint an Area Representative to fill any such new position until the next election of officers.

Chief Stewards shall be appointed by the President in each bargaining unit represented by the Chapter.

#### **Section 2. Qualifications**

Any member in good standing is eligible for Chapter office who have been retired for less than three (3) consecutive years from federal service unless running for the officer role of Chapter Treasurer. Therefore, members who have been retired for three (3) consecutive years or more from federal service at the time of the officer election nomination period are ineligible for the roles of President, Vice President, Secretary, and/or Area Representative. Eligibility for the Chapter's highest offices are limited to recent federal employees to ensure union representation is reflective of bargaining-unit conditions found in active service, which is consistent with reasonable eligibility standards in the NTEU National

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Constitution and Bylaws framework and other Chapters. A retiree who is beyond three (3) consecutive years of retirement may only be nominated, appointed, or elected to the NTEU Chapter 212 officer position of Chapter Treasurer. Nevertheless, a retiree may be appointed by the Chapter President to be a Steward, including Chief Steward, but neither designation is a Board position of NTEU Chapter 212. A member can be ruled as losing his or her good standing status due to valid suspension or expulsion completed through proper Article XVIII disciplinary procedures before the close of officer nominations.

### **Section 3. Duties**

#### **The President's duties include, but aren't limited to:**

- a) Administering the affairs of Chapter 212 in accordance with the provisions of the National Constitution and the Chapter's Bylaws;
- b) Issuing proper notice calling meetings of the Chapter and the Executive Board pursuant to Parts V and VI of these Bylaws;
- c) Presiding at all regular and special meetings of the Chapter and the Executive Board; appointing Chairpersons of all standing committees;
- d) Appointing all stewards and the Chief Stewards in each bargaining unit represented by the Chapter;
- e) Appointing all committee members and maintaining ex-officio membership in each;
- f) Representing and acting as spokesperson for the Chapter in all matters;
- g) Signing all documents pertaining to official business of the Chapter; and
- h) Performing all other duties as is necessary to protect and advance the interests of the membership.
- i) Serving as the occupant of the Chapter's sole one hundred (100) percent use of official time position, which includes the ability to transfer it to another current Board member, i.e., the First Vice President.

#### **The First Vice President's duties include, but aren't limited to:**

- a) Performing the duties of the President during the President's absence or inability to serve; serving as the first assistant to the President;

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- b) Developing and supervising the Chapter's publicity projects as directed by the President;
- c) Coordinating the activities of the membership committees in their respective areas and under the direction of the President, and building membership to the highest possible level;
- d) Reporting directly to the President any and all problems of the members and keeping the President informed as to the progress in solving these problems; and
- e) Distributing information and assisting the President as his or her spokesperson.

### **The Second Vice President's duties include, but aren't limited to:**

- a) Performing the duties of the First Vice-President during the First Vice-President's absence or inability to serve;
- b) Serving as the assistant to the President during the First Vice-President's absence or inability to serve;
- c) Serving as the President during the President and First Vice-President's absence or inability to serve;
- d) Assisting the President and First Vice-President in any tasks delegated by the former.

### **The duties of the Secretary include, but aren't limited to:**

- a) Recording and keeping minutes of all meetings of the Chapter and the Executive Board (or other designated Board member);
- b) Conducting such correspondence as may be necessary or as the President shall direct; and maintaining copies in a permanent file;
- c) Maintaining custody of all books, records, papers and effects of the Chapter, and transferring these items to his or her successor at termination of his or her tenure of office;
- d) Aiding the Election and Nominations Committee in preparing ballots for officer elections and informing the members of the results of such elections;
- e) Distributing literature, copies of documents and other communications to the Chapter members;

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- f) Preparing and maintaining a calendar of chapter events for proper planning and coordination with the other Chapter Officers and Committee Chairpersons; and
- g) Maintaining a correct and current record of the membership with the name, address and dues status of each member

### **The duties of the Treasurer include, but aren't limited to:**

- a) Receiving and depositing all funds of the Chapter in a depository approved by the Executive Board;
- b) Making payments from funds as authorized by the Executive Board in writing, and maintaining a petty cash fund in an amount as determined by the Executive Board;
- c) Remitting promptly to the Administrative Controller of the National Headquarters, as provided by the National Constitution, per capita dues collected from the members of NTEU Chapter 212, and sending an accompanying list of those members;
- d) Submitting monthly financial reports and other reports as requested by the Executive Board;
- e) Providing the Secretary with dues information necessary for the Secretary to maintain an updated membership roster;
- f) Submitting the Chapter books and accounts for audits on the demand of the Executive Board;
- g) Furnishing a surety bond to the Chapter, the premium of such bond to be paid by the Chapter;
- h) Preparing and filing Internal Revenue Form 990 and Department of Labor LM forms; and
- i) Keeping an accurate and current record of all receipts and expenditures of the Chapter, according to accepted accounting practices

### **The Area Representatives duties include, but aren't limited to:**

- a) Serving as assistants to the President in their respective Areas;
- b) Assist in the Chapter's publicity projects and supervising the distribution of the Chapter's information in their respective areas;
- c) Serving on Committees;

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- d) Coordinating membership recruitment activities in their immediate areas and under the direction of the President;
- e) Building membership to the highest possible level;
- f) Reporting directly to the President any and all problems of the members in their areas and keeping the President informed as to the progress in solving these problems; and
- g) Providing guidance to the Chief Steward and Stewards in their respective areas in handling grievances and other technical assistance as necessary that's consistent with the President's instructions and guidance for the Chapter.

### **The duties of the Chief Stewards include, but aren't limited to:**

- a) Serving as assistants to the Area Representatives;
- b) Providing the President, Area Representatives, and National Counsel and Field Representative(s) with a weekly summary of grievances pending;
- c) Providing guidance to the Stewards in each bargaining unit represented by the Chapter in handling grievances and technical assistance as necessary; and
- d) Conducting monthly Chief Steward meetings to discuss grievances pending and provide training.

### **Section 4. Removal or Suspension**

- a) The Executive Board or Chapter Membership may, by a two-thirds (2/3) vote, suspend or remove from office the Chapter President or any member of the Executive Board in accordance with Article IX, Section 5 of the National Constitution and Bylaws.

## **Article VI — Chapter Officer Elections**

### **Section 1. Candidates for Election**

Any candidate for election to any office of NTEU Chapter 212 must be a member of the Chapter as of the date the Notice of Election is mailed out. All members of Chapter 212 as of the date that nominations must be submitted to the Elections and Nominations Committee are eligible to vote in all Chapter elections and to nominate candidates for

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chapter office. Candidates for Area Representative positions must be employed in the unit/area represented by the position.

### **Section 2. Election of Officers**

All elected Chapter Officers shall be elected thereto in the following manner:

- i. No less than thirty (30) days prior to the scheduled election, the Chapter must mail to each member at his/her last known address, a Notice of Nomination and Notice of Election which shall:
  - a) Identify the offices to be filled;
  - b) Specify the date, time and place for any special meeting for the purpose of nominations for office or state that nominations must be submitted to the Chairperson of the Elections and Nominations Committee in writing twenty-one (21) days prior to the scheduled election date, and in the event of a ballot box election that nominations will be accepted from the floor on the date of the election; and
  - c) Specify the date, time and place of the scheduled election.
- ii. The positions of President, First and Second Vice-Presidents, Secretary and Treasurer shall be filled by a vote of the entire membership.
- iii. Positions of Area Representatives shall be filled by a vote of the members employed in the unit or area to be represented by a particular Area Representative (for example, only members employed in ACF shall vote for the ACF Area Representative). The election ballot will be designed so that members vote for at-large Chapter offices separately from those for Area Representatives.
- iv. There shall be a place on the ballot for members to indicate the unit or area in which they are employed. The ballot shall make clear that members may only vote for one Area Representative covering the unit or area in which they indicated they are employed.

### **Section 3. Nominations**

The Chairperson of the Election and Nominations Committee shall notify all nominees of their nominations for office. A member otherwise eligible to run for office shall become a bona fide candidate only upon his/her nomination for office and acceptance of the

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nomination. Acceptance of a nomination must be made in writing no later than five (5) days prior to the scheduled election date, unless the Chapter has authorized nominations from the floor on the date of the election. However, in the case of a mail ballot election, the Election Committee is empowered to determine the date of acceptance of a nomination provided that the period is no less than five (5) days prior to the scheduled election date.

### **Section 4. Notice of Elections**

- A. The election shall be held on the date, time and place specified in the Notice of Election, and the election shall be by secret ballot to be placed in boxes, unless the Chapter Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote. As an alternative, a mail referendum ballot procedure may be established which will ensure that all members will receive a ballot, that an envelope is provided in which to place the ballot, that a return envelope is furnished in which to mail the ballot and which identifies the voter, that the confidentiality of the ballot is maintained, and that the ballots will be secure until counted.
- B. A nominations notice will be issued sufficiently in advance and in a non-discriminatory manner; a separate election notice must be mailed to each member's last known home address not less than twenty-one (21) days before the election, with supplemental electronic notice permitted but not a substitute for the twenty (21) day mailed election notice required by Title IV guidance.

### **Section 5. Unopposed Candidates**

Where the nominee is unopposed, there shall be no necessity for the election of such nominee, and he/she shall be declared duly elected, effective as of the conclusion of the term of the previous incumbent. The candidate for each office who receives a plurality of members' votes cast for that office shall be elected thereto.

### **Section 6. Frequency and Terms**

Regular Chapter officer elections shall be held every three (3) years in June or July of the election year, with terms commencing at the start of the Chapter fiscal year, preserving the three-year cadence used in prior Chapter Bylaws and ensuring timeliness consistent with OLMS standards for regular, periodic elections.

**Section 7. Election Methods**

Elections are by secret ballot with adequate safeguards; polling-place, mail-ballot, or secure third-party electronic/telephonic methods may be used only if they ensure secrecy, eligibility checks, observer rights, integrity, and record retention consistent with OLMS guidance.

**Section 8. Ballot Control and Observers**

The Election Committee will control ballot production, mailing, receipt, storage, and counting with written chain-of-custody logs; each candidate may designate observers at all critical stages including preparation, mailing, pickup, and tally.

**Section 9. Voter Eligibility**

All members in good standing as of the nomination-acceptance date are eligible to vote; the Election Committee will use eligibility verification and undeliverable-tracking procedures to provide a reasonable opportunity to vote.

**Section 10. Candidate Eligibility**

A candidate must be in good standing on the close of nominations and remain so through certification, and may not have been retired more than three (3) years as of close of nominations, with ineligibility cured only by reinstatement on appeal before ballots are finalized. Eligible candidates must be able to demonstrate they are connected to current workplace issues. This is reasonable as the restriction is to ensure that all candidates are still closely connected to the active membership or has a vested interest in the ongoing work of the union.

**Section 11. Equal Access and Neutrality**

No union or employer funds, facilities, or resources (including staff time, equipment, office space, websites, social media administered by the Chapter/National, newsletters, listservs, or email systems) may be used to promote any candidacy, and the Chapter must treat all candidates equally in any permitted candidate communication channels.

**Section 12. Prohibition on Email Campaigning**

Campaigning via email is prohibited using union or employer systems and lists, including by NTEU National or the Chapter, and candidates and supporters may not send campaign

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emails from union or employer accounts or using union/employer lists; nothing herein restricts private communications through personal channels not derived from union or employer lists and not using union or employer resources, to maintain equal access while preventing subsidized electronic campaigning.

### **Section 13.**

Rather than candidate disqualification, LMRDA-compliant remedies for campaign misconduct includes post-election Article XVIII disciplinary charges against the candidate who engaged in such behavior as doing so is grounds for serious misconduct charges, processed separately from the election challenge and subject to full due process protections.

### **Section 14. Publication of Results and Retention**

Tally results will be promptly posted; all used, unused, and challenged ballots, outer/return envelopes, tally sheets, and related records (or electronic election logs) must be retained for at least one (1) year.

## **Article VII — Election Committee**

### **Section 1. Appointment and Independence**

A neutral Election Committee of at least three (3) members (including a Chair) shall be appointed each cycle; Committee members and their immediate household members may not be candidates.

### **Section 2. Duties and Authority**

The Committee administers all stages of the election, enforces equal candidate rights, ensures neutrality in official communications, and resolves election challenges per these Bylaws and Part IV of the National Bylaws.

### **Section 3. Eligibility**

Only NTEU Chapter 212 members in good standing are eligible to be members of the Election Committee.

### **Section 4. Vendor Management**

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If a third-party vendor is used, the Committee must ensure eligibility controls, address hygiene, secure P.O. boxes, transparent observation, and records retention.

### **Article VIII — Candidate Rights and Campaign Rules**

#### **Section 1. Equal Access/Neutrality**

The Chapter and employer may not subsidize any candidacy through funds, facilities, staff time, equipment, websites, newsletters, social media, listservs, or email systems, and any Chapter-facilitated literature distribution must be on a bona fide, nondiscriminatory, paid-by-candidate basis without editing content. No campaign literature shall be sent by the Election Committee on behalf of a candidate via email concerning his or her candidacy before or during the election. If campaign literature is to be sent by a candidate, he or she must do so via traditional mail only and at his or her own expense.

#### **Section 2. Membership List Inspection**

Each bona fide candidate may inspect a single current membership list within thirty (30) days prior to the election and may distribute literature at personal expense through Chapter-selected vendors on equal terms, except that email campaigning via union or employer systems is prohibited as stated in Article VI.

#### **Section 3. Official Communications**

All official Chapter communications remain strictly neutral; any departure triggers an equal, prompt, and cost-free response opportunity for all candidates in the same medium and scope to restore neutrality.

#### **Section 4. Rapid Response/Rebuttal**

Upon request, the Election Committee will promptly distribute neutral corrections and candidate rebuttals through the same channel used for a challenged message, recognizing that the union may not censor candidate literature while enforcing neutrality in official channels.

### **Article IX — Election Protests and Remedies**

#### **Section 1. Protests**

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Written protests must identify the challenged action/provision and be filed with the Election Committee within ten (10) calendar days of the event or discovery; the Committee will issue a written decision with findings and remedies.

### **Section 2. Remedies**

Tailored remedies may include extended balloting, ballot re-mailing, corrected notices, neutral corrections, and in extraordinary cases a rerun of affected race(s), calibrated to restore a fair election.

### **Section 3. Appeals**

Decisions may be appealed pursuant to Part IV, Section 5 of the National Bylaws; statutory OLMS review rights are unaffected after internal remedies are exhausted.

## **Article X — Official Time for Elected Officers**

### **Section 1. Right to Official Time**

Elected Chapter officers and representatives retain the right to use official time as allotted by the governing CBA(s), 5 U.S.C. § 7131, and FLRA regulations for representational activities, including grievances, arbitrations, bargaining, administrative representation, 5 U.S.C. § 7114(b)(4) requests, and training, consistent with reasonable, necessary, and public-interest standards in the Statute.

### **Section 2. Non-Interference**

No elected official at any level may unilaterally deny or restrict another elected Chapter leader's CBA-allotted official time (e.g., fifty percent (50%) for a Vice President) unless a reduction or elimination is imposed only after a valid Article XVIII disciplinary hearing and final action under the National Constitution and Bylaws.

### **Section 3. Implementation**

Chapters will maintain transparent designation processes, clear accounting procedures for any official-time banks, and mechanisms to prevent retaliatory performance assessments related to protected representational activity.

## **Article XI — Overdue Elections**

### **Section 1. National Initiation**

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If the Chapter fails to initiate elections within required timeframes, Chapter elections shall commence as provided in Part IV, Section 3 of the National Bylaws, with costs invoiced to the Chapter, and an Election Committee Chair designated if none exists.

### **Section 2. Compliance**

Any national administration of the election must still comply with these Bylaws' neutrality, equal-access, and email-campaigning prohibitions.

## **Article XII — Special Provisions (Election Reballoting Safeguards)**

### **Section 1. Eligibility Cutoffs**

In any remedial election rerun addressing disputes, only members in good standing at the applicable eligibility cutoff may be candidates or voters, and any person expelled as of that date is ineligible unless reinstated under Article XVIII before ballot finalization.

### **Section 2. Corrective Communications**

Where prior official communications deviated from neutrality, the Election Committee shall issue neutral corrections and provide equal response opportunities to all candidates before balloting opens.

### **Section 3. Implementation**

The Executive Board will promulgate implementing election procedures and forms (address verification, observer protocols, protest forms) consistent with OLMS guidance within thirty (30) days of adoption.

## **Article XIII — Chapter Executive Board**

### **Section 1. Composition**

The Chapter Executive Board shall be composed of the President, First and Second Vice Presidents, Secretary, Treasurer, and elected Area Representatives as specified in Part VII, Section I of these Bylaws.

### **Section 2. Authority and Jurisdiction**

The Chapter Executive Board shall have jurisdiction over all matters not specifically reserved to the members, and shall have authority to:

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- A. Authorize necessary Chapter expenditures and establish procedure for payment of authorized Chapter expenditures.
- B. Fill any vacant office by a majority vote; and
- C. Approve by a majority vote any local or supplemental collective bargaining agreement prior to its being signed by the Chapter President on behalf of the Chapter.

### **Section 3. Quorum**

A quorum for the purpose of an Executive Board meeting shall consist of at least three of its members.

### **Section 4. Regular Meetings**

The Chapter Executive Board shall convene at least four (4) regular meetings, at a time and place designated by the President. The meetings can be face-to-face or via tele-conference.

### **Section 5. Special Meetings**

Special meetings of the Executive Board may be convened by:

- A. Oral or written call of President; or
- B. Written call of a majority of the Executive Board.
- C. Such special meetings must be convened within thirty (30) days after receipt of the request by the President.

### **Section 6. Chapter Sovereignty**

Consistent with Article IV, Section 7, the Chapter conducts internal government, maintains books and records, and conducts officer elections, subject to national oversight on reasonable notice.

### **Section 7. Recusal**

Any Chapter officer who is a complainant, respondent, or a declared partisan in a pending Article XVIII matter must recuse from presiding or acting; the Executive Board shall designate an alternate.

### **Section 8. External Directives**

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No Chapter officer shall implement any external directive that overturns a completed Chapter disciplinary action or alters an election unless embodied in a written decision subject to the National appeal process; such decisions will be promptly noticed with appeal rights.

### **Section 9. Minutes**

All actions of the Executive Board will be reported by the Secretary at the next regular meeting of the Chapter.

## **Article XIV — Dues, Funds, and Financial Controls**

### **Section 1. Dues and Per Capita**

Dues are set and remitted consistent with the National Constitution; local dues changes require secret-ballot approval after at least twenty-one (21) days' mailed or electronic notice to the membership.

### **Section 2. Books, Audits, and Bonding**

The Treasurer maintains accurate books; annual audits must be completed within six months of the close of the reporting year by a non-officer auditor, with certification to the NTEU Administrative Controller; officers handling funds must be bonded as required.

### **Section 3. Dual Signatures and Controls**

All disbursements require two authorized signatures and adherence to written expenditure authority approved by the Executive Board.

## **Article XV — Records, Transparency, and Member Rights**

### **Section 1. Election Records**

Retain all election records (including used, unused, and challenged ballots, envelopes, tally sheets, and electronic logs) for at least one year, with reasonable inspection consistent with OLMS guidance and privacy obligations.

### **Section 2. Member Rights**

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Title I member rights (equal participation, speech and assembly, dues voice, safeguards against improper discipline) are recognized together with applicable federal standards of conduct.

### **Section 3. Access**

Copies of these Bylaws and applicable Election Rules will be made available to members and posted in accessible repositories such as the [www.NTEU212.org](http://www.NTEU212.org) website.

## **Article XVI — Chapter Meetings**

### **Section 1. Meetings**

The Chapter shall hold at least two (2) annual meetings. One meeting will be held in Southern California (Los Angeles area) and the second meeting will be held in Northern California (San Francisco Bay Area). Other special or regular meetings may be called by the President as needed in accordance with Section 3 below.

### **Section 2. Place and Notice**

The actual meeting place for Chapter meetings will be designated by the President and notice shall be given to the members at least seven (7) days before the meeting date. This notice shall be by letter to all members, or in a publication of the Chapter newspaper which is received by all members, or by posting a notice on all official bulletin boards.

### **Section 3. Special Meetings**

- A. Special Chapter meetings may be convened by: Oral or Written call by the President;
- B. Written call by a majority of the Executive Board; or
- C. Written call signed by 25% of members of this Chapter.

### **Section 4. Voting Rights**

Each member shall be entitled to one (1) vote at any regular or special meeting, and in the election of officers. In case a member's right to vote is challenged, the Chapter President shall rule on the member's right to vote at said meeting. The member shall have a right to challenge this decision pursuant to the applicable provisions of the NTEU National Convention.

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### **Section 5. Quorum**

A quorum at any meeting of NTEU Chapter 212 shall be a number equal to a majority of the Executive Board, as defined in Part VI, Section I of these Bylaws.

### **Section 6. Rules of Order**

The rules and order of business of special and regular Chapter meetings shall follow Robert's Rules of Order unless otherwise determined by the Executive Board at a regular or special meeting preceding the Chapter meeting.

### **Section 7. Minutes**

A written record of meeting proceedings and actions taken will be kept and a summary thereof will be included in the next regularly issued union newsletter.

## **Article XVII — Amendments**

### **Section 1. Procedure**

Amendments may be adopted by majority vote at a meeting with at least seven (7) days' prior notice of the text to all members or by mail/electronic referendum with at least twenty-one (21) days' notice before ballot return; amendments take effect at midnight on the day approved unless otherwise stated.

### **Section 2. Consistency Check**

Proposed amendments must be reviewed for consistency with the National Constitution and OLMS/LMRDA standards prior to notice and publication.

## **Article XVIII — Discipline, Due Process, and Appeals**

### **Section 1. Court of Original Jurisdiction**

Charges against a member or officer shall be received, noticed, and heard under Article XVIII of the National Constitution by the Chapter in a Special Chapter Meeting of the membership; the accused may not preside, and a full and fair hearing must occur within the prescribed timeframe of no less than thirty (30) calendar days' advance notice of the hearing's date.

## **Section 2. Neutral Hearing Officer and Conflicts**

The Chapter shall utilize a neutral hearing officer (JAMS or comparable) or a neutral panel to conduct the Article XVIII hearing, with all accused-related decisionmakers recused to ensure impartiality consistent with Robert's Rules and Tincher v. Piasecki's<sup>1</sup> "full and fair hearing" standard prohibiting participation by those charged in a collateral proceeding.

## **Section 3. Notice Requirements and Service**

The accused will receive a detailed written statement of charges by certified mail as required by Article XVIII, and the membership will receive at least thirty (30) calendar days' advance notice of the hearing's date, time, platform/location, and logistics; membership notice may be provided by email and Chapter posting due to mailing cost burdens, while certified mail service on the accused remains mandatory under the National Constitution.

## **Section 4. Hearing Rights and Procedure**

The accused will be afforded the right to appear, present witnesses at personal expense, submit documents, and defend against the charges, with procedural fairness ensured by a neutral presider and adherence to Robert's Rules' disciplinary principles and LMRDA due-process standards recognized in Tincher v. Piasecki, with the burden of proof satisfied by a preponderance of the evidence unless a higher internal standard is expressly adopted.

## **Section 5. Record, Findings, and Decision**

The hearing officer/panel will maintain a record adequate for internal review, exclude conflicted decisionmakers, and issue written findings of fact, conclusions, and remedies, including any suspension, expulsion, or reimbursement orders permitted by Article XVIII.

## **Section 6. Appeals and Finality**

Appeals proceed under Article XVIII, Section 3 to the National President, then to the National Executive Board, and then to the National Convention; Chapter decisions are implemented pending outcome unless stayed by competent national authority.

## **Section 7. Charges and Filing Requirements**

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<sup>1</sup> 520 F.2d 851 (7th Cir. 1975).

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A. Form of Charges: Charges against any member or officer must be submitted in writing to the Chapter President and Secretary (or, if the President is the accused or charging party, to the First Vice President), setting forth with specificity as follows:

- i. The name of the accused member or officer;
- ii. The specific conduct alleged to violate the NTEU National Constitution, these Bylaws, or to be inimical to NTEU's interests consistent with Article XVIII, Section 1 of the National Constitution;
- iii. The date(s) and location(s) of the alleged conduct;
- iv. The specific provisions allegedly violated;
- v. Be sworn under penalty of perjury; and
- vi. The signature and contact information of the charging party, who must be a member in good standing.

B. Processing of Charges: Upon receipt of written charges, the Chapter President (or other designee) under Article XVIII, subsection G.1 of the NTEU Chapter 212 Bylaws shall, within seven (7) business days, unless delayed for good cause:

- i. Appoint a neutral Hearing Officer from an established panel of mediators and arbitrators (such as JAMS, AAA, or FMCS) who has no personal interest in the matter and is not a party to any related proceeding involving the accused, consistent with Robert's Rules § 63:31-32 (impartiality requirements) and the "full and fair hearing" standard recognized in Tincher v. Piasecki;
- ii. Ensure that the Chapter Secretary send by certified mail within forty-eight (48) hours of receipt a copy of the charges to the accused as specified in Article XVIII, Section 1(B); and
- iii. Request that a pre-hearing conference and membership hearing be scheduled in consultation with the Hearing Officer.

C. Court of Original Jurisdiction: Consistent with Article XVIII, Section 1 of the National Constitution, the Chapter membership shall serve as the court of original jurisdiction, and the accused shall not preside over any aspect of the proceedings.

### **Section 8. Notice to the Membership**

A. The Chapter membership shall receive notice of the Article XVIII hearing no fewer than thirty (30) calendar days before the scheduled hearing date. Due to the cost

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burdens associated with mass mailings and consistent with NTEU Chapter 212's geographically dispersed membership, membership notice may be provided by email to each member's email address on file at NTEU.org, and/or by prominent posting on the NTEU Chapter 212 website and any Chapter-administered communication platforms.

Membership notice shall include:

- i. The name of the accused;
- ii. A general description of the nature of the charges (without revealing confidential details);
- iii. The date, time, and location or virtual meeting platform link for the hearing;
- iv. A statement that all members in good standing are entitled to attend and vote; and
- v. Instructions for requesting reasonable accommodations.

D. Service and Proof of Delivery: Certified mail service to the accused shall be deemed complete upon mailing, with the certified mail tracking number and return receipt retained in the hearing file as proof of service. If certified mail is returned as undeliverable, the Chapter shall make reasonable additional efforts to locate the accused's current address through NTEU.org records, and the hearing will proceed if diligent efforts to provide notice are documented.

E. Pre-Hearing Procedures:

- i. Appointment and Role of Hearing Officer: The Hearing Officer shall be a neutral third party with no personal or financial interest in the outcome and shall not be a current NTEU Chapter 212 officer, member, or the subject of any related disciplinary or legal proceeding involving the accused, consistent with Robert's Rules § 63:32 and the impartiality requirements of the LMRDA. The Hearing Officer's duties include:
  - a) Conducting the pre-hearing conference;
  - b) Ruling on procedural matters, objections, and evidentiary issues during the hearing consistent with fundamental fairness and Robert's Rules § 63;
  - c) Maintaining order and decorum;
  - d) Ensuring the accused receives a full and fair hearing;

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- e) Providing voting instructions and ballots to eligible members; and
    - f) Preparing a summary record of the proceedings (not a verbatim transcript unless requested by a party at that party's expense).
  - ii. Exchange of Evidence and Exhibits: Each party shall provide the other party and the Hearing Officer with copies of all documents and exhibits the party intends to rely upon or introduce at the hearing no fewer than seven (7) calendar days before the scheduled hearing date. Failure to timely exchange exhibits may result in exclusion of such evidence unless good cause is shown and the opposing party is not prejudiced. The charging party bears the responsibility of providing the accused with all written documentation relied upon in issuing the charges, consistent with the accused's due process rights.
  - iii. Witness Lists: Each party shall provide the Hearing Officer and the other party with a list of witnesses the party intends to call, along with a brief summary of each witness's expected testimony, no fewer than seven (7) calendar days before the scheduled hearing date. Witnesses shall appear at the expense of the party calling them.
  - iv. Continuances: Either party may request a continuance for good cause shown (e.g., unavailability of essential witnesses, medical emergency, conflicting legal obligations). The Hearing Officer shall rule on continuance requests in writing, considering fairness to both parties and the Chapter's interest in timely resolution. Any continuance shall require renewed notice to the accused and membership consistent with Article XVIII, Section H of the NTEU Chapter 212 Bylaws.
- F. Hearing Procedures:
- i. Quorum and Eligible Voters: A quorum for an Article XVIII hearing shall be established by the presence (in-person) of the Chapter Executive Board members in good standing entitled to vote. Eligible voters are only members in good standing as of the date of the hearing who are not parties to the charges or under suspension shall be eligible to vote, consistent with Article XVIII,

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Section 1 of the NTEU National Constitution and Bylaws. The Hearing Officer shall verify voter eligibility before ballots are distributed.

- ii. Burden and Standard of Proof: The charging party bears the burden of proving the charges by a preponderance of the evidence (i.e., it is more likely than not that the charged conduct occurred), consistent with Robert's Rules § 63:35.
- G. Order of Proceedings: The hearing shall proceed in the following order under the direction of the Hearing Officer:
- i. Opening Statement by Hearing Officer (5 minutes): The Hearing Officer shall provide a brief, neutral explanation of the charges, the burden of proof, the hearing process, voting procedures, and the rights of the parties;
  - ii. Case-in-Chief by Charging Party (30 minutes maximum): The charging party (or representative) shall present evidence, call witnesses, and introduce exhibits in support of the charges. The accused (or representative) may cross-examine witnesses. Time limits may be extended by the Hearing Officer for good cause;
  - iii. Case-in-Chief by Accused (30 minutes maximum): The accused (or representative) shall present evidence, call witnesses, and introduce exhibits in defense. The charging party (or representative) may cross-examine witnesses. Time limits may be extended by the Hearing Officer for good cause;
  - iv. Rebuttal by Charging Party (10 minutes maximum): The charging party may present rebuttal evidence limited to matters raised in the accused's case-in-chief;
  - v. Surrebuttal by Accused (10 minutes maximum): The accused may present surrebuttal evidence limited to matters raised in the charging party's rebuttal;
  - vi. Closing Statement by Charging Party (5 minutes maximum): The charging party (or representative) shall summarize the evidence and argue why the charges should be sustained;
  - vii. Closing Statement by Accused (5 minutes maximum): The accused (or representative) shall summarize the evidence and argue why the charges should be dismissed;
  - viii. Voting Instructions and First Ballot (conviction/acquittal): The Hearing Officer shall provide voting instructions and distribute secret ballots to all eligible members present, consistent with Robert's Rules § 63:34 and Article XVIII, Section 1;

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- ix. Ballot Counting and Announcement of Results (First Ballot): The Hearing Officer, with the assistance of two neutral tellers appointed from the membership, shall collect, count, and announce the results of the first ballot. A majority vote of the members present is required to convict on any charge;
  - x. Second Ballot (penalty): If the accused is convicted on one or more charges, the Hearing Officer shall immediately conduct a second secret ballot vote on the penalty, with the following options as permitted by Article XVIII: (a) suspension for the remainder of the term of office; (b) suspension for two (2) years; or (c) expulsion from NTEU membership. The penalty receiving the highest number of votes shall be imposed.
- H. Rules of Evidence and Decorum: The hearing shall not be governed by formal rules of evidence, but the Hearing Officer shall exclude evidence that is irrelevant, unduly repetitive, or obtained in violation of law. The Hearing Officer shall maintain order and may exclude or remove any person (including parties or witnesses) who engages in disruptive, abusive, or contemptuous conduct, consistent with Robert's Rules § 61 (Discipline) and § 43 (Decorum in Debate). All participants shall treat each other with respect and refrain from personal attacks.
- I. Right to Representation: Both the charging party and the accused have the right to be represented by counsel or by any representative of their choice (including a non-lawyer) at their own expense, consistent with Article XVIII, Section 3 and Robert's Rules § 63:33.
- J. Record of Proceedings: The Hearing Officer shall maintain an adequate record of the hearing, including:
- i. All exhibits admitted into evidence;
  - ii. A summary of witness testimony and key procedural rulings;
  - iii. Both ballot tallies (conviction/acquittal and penalty, if applicable);
  - iv. Written findings of fact and conclusions if requested by either party or the Chapter Executive Board.
- A party may request, at that party's expense, that the hearing be recorded or transcribed. The recording or transcript shall be made available to both parties and the Chapter.
- K. Announcement of Results: The Hearing Officer shall announce the results of both ballots immediately upon completion of the count. If the accused is acquitted on all

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charges, the charges shall be dismissed with prejudice and no penalty shall be imposed. If the accused is convicted on one or more charges, the penalty determined by the second ballot shall be announced and implemented pending appeal, consistent with Article XVIII, Section 3.

### **Article XIX – Committees**

#### **Section 1. Regular Committees**

The President shall appoint, within thirty (30) days after assuming office, a chairperson and the members of the following standing committees, and the President shall publish for the information of the membership the names of the chairpersons and the members of each committee. With the exception of the Election Committee, these appointees shall serve for one (1) year.

#### **Section 2. Election Committee**

- A. Eligibility: Only NTEU Chapter 212 members can be members of an Election Committee for it to be considered to be valid and in accordance with NTEU Chapter 212 Bylaws.
- B. This committee shall be appointed by the President during the Election year and consist of at least two (2) NTEU Chapter 212 members and a Chairperson for the purpose of conducting a democratic election of officers as provided in the National Constitution and Bylaws. This Committee shall conduct the election of Chapter Officers pursuant to the applicable provisions of the National Constitution and Bylaws. This Committee shall count the ballots, and post the results of the election and mail results to all posts of duty. The newly-elected officers shall be notified in writing by the Chairperson of the Election and Nominating Committee of their election. In the case of a tie vote for any office, the Chairperson in the presence of his/her Committee members shall determine the winner by the toss of a coin and so state in his/her report. The Chairperson shall immediately make a written report on the results of the election to the NTEU National Headquarters.

### **Article XX – Delegates and Proxies**

#### **Section 1. Delegates of National Convention and District Conferences**

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- A. The Executive Board at a meeting not less than thirty (30) days prior to the National Convention or the District Conference shall determine the number of Chapter delegates to the National Convention or the District Conference, and the amount of delegate expense that will be paid by Chapter funds. Each delegate must receive an equal amount of reimbursement.
- B. Pursuant to the National Constitution and Bylaws, the President and the Vice-Presidents are ex officio delegates to District Conferences and National Conventions conducted during their terms of office. The President and Vice Presidents may voluntarily waive their right to attend; however, funding will be determined by the Chapter Executive Board to determine if more members other than the President will attend to cast the votes on behalf of the Chapter.
- C. Any member who wishes to attend the National Convention or the District Conference as a delegate at his/her own expense must be elected pursuant to the National Constitution and Bylaws and be approved by the President. The chairperson of the delegation will be the President or in his/her absence, the highest-ranking officer who is a delegate. If no Chapter officer is a delegate, the Executive Board will appoint the Chairperson and define the succession of authority in the delegation.

### **Section 2. Proxies**

For the purposes of representation at the National Convention or District Conference, Chapter 212 may designate by proxy a member or members of NTEU elected pursuant to the applicable provisions of the National Constitution and Bylaws.

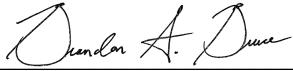
#### **Article XXI – Superseding**

These Bylaws expressly and entirely supersede the Chapter’s previous Bylaws, which includes but isn’t limited to Bylaws Amended and Adopted on August 9, 1999, and any other alleged amendment dated October 26, 2001.

#### **Article XXII – Miscellaneous**

Minor changes to the NTEU Chapter 212 Bylaws for grammatical, spelling, formatting, or other clerical changes or errors can be corrected immediately to the Chapter Bylaws without the Chapter Executive Board being required to submit the revised version of the Chapter Bylaws to the membership for a majority vote.

**NTEU CHAPTER 212 BYLAWS**



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Brandon S. Bruce, Esq., LL.M.  
Chapter President  
NTEU Chapter 212