OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION LOCAL UNION NO. 459

CONSTITUTION and BYLAWS

August 5, 2025

CERTIFICATION

This certifies that the membership of this Local Union did regularly adopt, and the President of the Office and Professional Employees International Union did grant to this Local Union approval of this Constitution and Bylaws with the modifications contained herein as of the date indicated below and that this is a current and correct copy of said Constitution and Bylaws.

Attested to this _____ day of _____, 20____.

(LOCAL UNION SECRETARY-TREASURER)

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ARTICLE 1
Preamble

This Local Union declares for its objectives and aspirations the following: to organize all unorganized professional, paraprofessional, health services, technical, office and clerical employees; to secure terms and conditions of employment for its members consonant with the ideals of fair wages and benefits; to promote and encourage harmonious relationships between ourselves and our employers; to render all possible assistance to our fellow members in the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); and to have, in general, the same aims and purposes that the Office and Professional Employees International Union (International Union or OPEIU) provides for in its Constitution in the interest of all professional, technical, office and clerical employees.

It is a further purpose and aim of the International Union through its training, organizational policies and practices, and its culture to promote diversity, equity, and inclusion in the workplace, and to foster the same within the International Union and its local unions, and within its affiliated or related organizations.

ARTICLE 2
Name

This organization, located at Lansing, Michigan, shall be known as the Office and Professional Employees International Union, Local No. 459. This Union shall be and remain a chartered Local union of the Office and Professional Employees International Union of the American Federation of Labor and Congress of Industrial Organizations.

ARTICLE 3
Existence

This Local Union cannot be dissolved while there are two hundred fifty (250) dues-paying members therein who desire to continue its existence. When this Local Union ceases to represent employees of any employer, the International Union Executive Board may suspend the charter of this Local Union, and order it dissolved or merged. Upon the dissolution or merger of this Union, all its properties and assets, including its funds, books, and records, shall become the property of the International Union, to be held by the International Union in trust for a period of one (1) year, during which time such property shall be returned to the Union if it is reconstituted. After such one (1) year period, such properties and assets shall become the property of the International Union, and the funds will be placed in the International Union Treasury to be used by the International Union for its general purposes.

ARTICLE 4
Jurisdiction

SECTION 1. This Local Union shall embrace within its membership employees in any phase of professional, technical, office, clerical, and related work in the commonly accepted sense of those terms working within its jurisdiction established under the Constitution of the International Union.

SECTION 2. This Local Union recognizes the right of the International Union Executive Board to determine jurisdiction between, or among OPEIU Local Unions, and to settle all controversies respecting jurisdiction between, or among OPEIU Local Unions.

ARTICLE 5
Membership

SECTION 1. No person shall be admitted to membership who advocates principles or lends support to organizations or movements whose purpose and objectives are contrary to the fundamental principles of the established governments of the United States, Canada, and Commonwealth of Puerto Rico, or in conflict with the policies of the International Union.

SECTION 2. All officers, full-time paid representatives, and organizers of the International Union shall be ex-officio members of this Local Union with privilege of participating in this Local Union's meetings, but no voting; provided, however, such officers, and organizers shall retain, and may exercise full rights of participation in this Local Union if they hold active membership in this Local Union.

SECTION 3. No person shall simultaneously hold active membership in this Local Union and another Local Union of the International Union. Where an active member works within the jurisdiction of this Local Union and another Local Union of this International Union at the same time, such member shall hold membership in this Local Union if such member worked under the jurisdiction of this Local first; Provided, however, that where such member is employed under the jurisdiction of another Local Union first, such member shall hold membership in that Local Union, and shall pay a fee equal to the applicable dues to this Local Union and this Local Union shall pay a fee equal to this applicable per capita to the International Union.

Any member of this Union who secures employment under the jurisdiction of any other Union affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) not under the Jurisdiction of this International Union, and who became a member of that Union, may retain their membership in this Union.

SECTION 4.

MEMBERSHIP CLASSIFICATIONS

Membership Classifications shall be Active, Non-active, and Associate. No members shall simultaneously hold membership in more than one (1) classification.

A person who is:

- suspended or expelled;
- loses their basis for membership due to an election;
- is no longer employed by the International Union, one of its subordinate bodies or this Local Union;
- has resigned their membership;
- not a member in accordance with one of the membership classifications provided for this Article,

shall not be considered a member for any purpose, except as may be directed by the President of the International Union. Provided, however, if a person's membership is suspended or removed, that person shall maintain membership until any ruling on an appeal is reached by the membership of this Local Union and/or the Executive Board of the International Union.

SECTION 5.

ACTIVE MEMBERSHIP

A. An individual is eligible to be an active member in this Local Union if the individual is:

- employed within a collective bargaining unit represented by this Local Union;
- an employee, or Officer of the International Union, or one of its subordinate bodies;
- an employee of this Local Union and not represented by a different labor organization;
- an officer of this Local Union who has not retired from the position that made them eligible for active membership.

B. Officers who sever their employment relationship, which provided their eligibility for active membership, will no longer be eligible for active membership two (2) years after they sever such employment.

C. Where a person is current with their dues, that person is an active member. A member who is two (2) months delinquent in dues payment owed is not in good standing and is subjected to suspension.

D. Except as detailed below all active members shall be good-standing members and entitled to participate fully as members in the affairs of this Union until expelled, or suspended and not reinstated,

or until such members have been issued withdrawal cards in accordance with the Constitution and Bylaws of this Union.

Acting Supervisors

In the event any member becomes a Supervisor or serves as an acting Supervisor for members of this Local for thirty (30) calendar days or more within the meaning of the National Labor Relations Act or the Michigan Public Employees Relations Act (and is not a member of a Supervisor bargaining unit represented by this Union) that member may either continue dues and active membership, become an inactive member or make application for and receive a withdrawal card. However, if such member holds an elected position in this Local and does not become an inactive member or make application for and receive a withdrawal card, such member shall not serve in that elected position and shall have such office held for up to ninety (90) calendar days so that the member may resume serving in that office when the Acting Supervisor status ends.

Voluntary Leaves

In the event any active member takes a voluntary leave of absence for more than thirty (30) calendar days from their bargaining unit position and does not become an inactive member or make application and receive a withdrawal card, such member shall continue dues and active membership including rights to participate in proceedings involving their bargaining unit.

Involuntary Leaves

In the event an active member takes an involuntary leave of absence such as layoff, disability, or workers' compensation, and the member is not receiving full pay during such leaves or in the event a member is terminated and the termination is being grieved, then such member's dues may be waived for up to twelve (12) months in accordance with Article 13, Section 1. F., of this Constitution and Bylaws. That member shall continue all membership rights except rights to participate in proceedings involving their bargaining unit. In addition, such a member shall not be eligible to be a candidate for any office while not paying dues.

E. A chart is attached to this Constitution and Bylaws (Attachment B) for illustration purposes only to show the status of active members on leaves of absence. Continuous good standing, and good standing means compliance with the provisions of this Constitution concerning the payment of dues.

An employee in a position represented by this Local is not a member in good standing if the employee has not paid at least one (1) month's due. An employee can meet this requirement by giving one (1) month's dues directly to Local 459.

An employee who has signed a form allowing the deduction of dues from their paycheck, but who has not had any dues deducted, has not paid any dues, and does not meet this requirement.

An employee who has had dues deducted from their paycheck has met this requirement even if the employer has not forwarded the dues to Local 459. A paystub may be used as proof of deduction.

SECTION 6.

NON-ACTIVE MEMBERSHIP (a.k.a. Retired Members)

An individual is eligible to be a non-active member if that individual is a former active member of this Local Union, including an individual who has retired or resigned from the position which made them eligible to be an active member, who desires to maintain membership in this Local Union.

Non-active members shall be required to pay dues of five dollars ($5.00) per month. Continued payment of such dues and fees is required to maintain non-active membership. One-half (1/2) of any dues or fees shall be paid to the International Union at the same time that per capita is due, but not in excess of the applicable per capita.

Non-active members may attend, and address meeting of this Local Union at the discretion of this Local Union President. Such person shall have no voice, or vote in International Union, or Local Union affairs; nor shall they be nominated for or hold an International Union or Local Union office or Executive Board position or be elected as a delegate to the International Union Convention.

SECTION 7.

ASSOCIATE MEMBERS

Individuals may apply for membership as an associate member. The Executive Board shall determine whether to grant membership.

Associate members may attend and address Local Union meetings at the discretion of the Local Union President. Such a person shall have no voice or vote in International Union affairs; nor shall they be nominated for or hold an International Union or Local Union office, or Executive Board position, or be elected a delegate to the International Convention.

Associate members shall be required to pay dues equal to the minimum dues set for full-time employees per month. Associate members shall be entitled to OPEIU Union Privilege Program.

ARTICLE 6

Membership Meetings

SECTION 1. Regular meetings of the Union shall be held three (3) times a year on the second Tuesday of the month in March, July, and November after the Executive Board meeting. In the election year of the Executive Board, additional meetings will be held, in person, the second Tuesday of August for nominations for Executive Board and the second Tuesday of October for the election.

These regular meetings may be held at a time and at a place authorized by the Executive Board. A virtual meeting option may be approved by the president or their designee.

SECTION 2. No action of the membership shall be deemed valid or binding unless such action is taken by the membership at a regular or special meeting held pursuant to the provisions of this Constitution and By- Laws. A quorum must be present for the membership to take any action except where this Constitution and Bylaws allow for the members present at the meeting to take a specific action such as for membership meetings called for the nomination, and elections of officers, for which there is no quorum required.

SECTION 3. A special meeting of this Union may be called by the Executive Board, if it deems such action necessary, or a special meeting of the Union may be called upon a written request submitted to the President by not less than three percent (3%) of the members in good standing; but said special meeting of this Local Union's membership shall not take place on the day of adjournment of any regular membership meeting. In addition, a special meeting may be called by the members for the sole purpose of reviewing a decision by the Executive Board to arbitrate or not to arbitrate a particular grievance if such a request is submitted by at least three quarters (3/4) of the members in good standing of the bargaining unit in which the grievance arose.

Special meetings of this Union shall be held on the next second Tuesday of the month, which is at least two (2) weeks after the request is submitted. Such meetings shall be held at a time and at a location authorized by the Executive Board. At the time that a Special meeting of this Union is called, the agenda for that meeting shall be specified. Action may only be taken at Special meetings on agenda items which are specified at the time the meeting is called by the Executive Board or requested by the members.

SECTION 4. The Local shall send out notices both electronically and by U.S postal mail for regular membership meetings to Stewards for distribution to members and for posting at least five (5) calendar days before any such meeting convenes. Regular meetings shall be posted and updated if needed on the Local Union's Web site.

For Special Membership meetings, notices will be sent to all members. Notice will be sent by e-mail, in lieu of U.S. postal mail, to those members for whom this Local Union believes it has valid and active e-mail addresses. The Local Union will mail written notice of a special membership meeting to members for whom this Local Union does not have an email address.

SECTION 5. Three percent (3%) of the members in good standing shall constitute a quorum for any regular or special meeting. In addition, a special quorum shall be declared for any regular or special meeting if there are two percent (2%) of the members in good standing with members in attendance from at least ten (10) different bargaining units represented by this Union.

SECTION 6. Only members fulfilling the requirements of good standing of this Constitution and Bylaws shall be eligible to attend meetings of this Union and to participate to the extent set forth in these Articles: except that invited guest of the Executive Board or of this Union may attend and participate to the extent of the purpose for which they are invited but shall not vote.

ARTICLE 7
Officers and Duties

SECTION 1.

A. The Union shall have the following officers: President, Vice-president, Secretary-Treasurer, Recording Secretary, and three (3) Trustees.

B. All Officers and employees of this Local Union shall be bonded under a bond approved by the Secretary-Treasurer of the International Union. Any Local Union steward(s) who handles funds or other property of the Local Union are also subject to this bonding requirement. The Local Union's Secretary-Treasurer will contact the International Union Secretary-Treasurer to acquire the appropriate bond(s).

C. Every officer and employee of this organization, other than an employee performing exclusively clerical or custodial service, shall file with the Secretary of Labor, U.S. Department of Labor, a signed report, where necessary, conforming in all respects to the requirements of Section 202 of the Labor-Management Reporting and Disclosure Act of 1959 and all pertinent rules and regulations thereunder.

SECTION 2.

PRESIDENT

The President shall preside at all General Membership meetings and Executive Board meetings, shall preserve order during its deliberations, sign all checks drawn on the treasury, appoint all committees not otherwise ordered, authorize employment of temporary employees, supervise all Local employees, transact such other business as may be necessary to the proper functioning of this Union and shall have such other powers and duties as are provided for in this Constitution and Bylaws.

SECTION 3.

VICE-PRESIDENT

A. The Vice-President shall perform the duties of the President in the absence of that Officer, and, in case of resignation or death of the President, shall perform the duties of the President until such vacancy is filled by the next regular election as provided for in this Constitution and Bylaws. They shall also preside when called upon to discharge their duties. They shall also be chairperson ex-officio of all standing committees and shall have such other powers and duties as are provided for in this Union's Constitution and Bylaws.

B. They shall act as Chairperson of the Trustees and is required to call no less than quarterly meetings of the Trustees. They shall have the right to require the presence of all necessary officers at such meeting including the Secretary--Treasurer.

SECTION 4.

SECRETARY-TREASURER

The Secretary-Treasurer shall perform the following duties:

A. They shall keep all financial accounts of this Union and shall maintain correct and proper accounts of all its members. They shall collect all dues, assessments, and fines from members of this Union. They shall make all disbursements for this Union as provided for in Article 14 of this Constitution and Bylaws. They shall keep a correct record of all monies received and expended and prepare financial statements by calendar months to be submitted to the Secretary-Treasurer of the International Union monthly, and to the next regular membership meeting of the Local Union.

B. They or their designee shall deposit all funds of this Union in a financial institution recommended by the Trustees, with insurance provided by the Federal Deposit Insurance Corporation, or the National Credit Union Administration, in amounts not to exceed the maximum insurable amounts provided by these agencies. They shall submit all their records to the Trustees for audit and approval whenever called upon to do so.

Upon the expiration of term of office, the Secretary-Treasurer shall turn over to the successor all properties and assets including funds, books, and records of this Local Union. Before turning over such properties and assets to their successor, the Secretary-Treasurer must see to it that such successor is properly bonded. The Secretary-Treasurer shall turn over all properties and assets, including funds, books, and records, to the Secretary-Treasurer of the International Union, or the duly authorized representative when properly called upon to do so.

C. They shall transmit monthly to the Secretary-Treasurer of the International Union all financial obligations owing to the International Union not later than the fifteenth (15) day of the following month. They shall follow such accounting and reporting procedures as shall be formulated by the Secretary-Treasurer of the International Union. They shall be required to make monthly reports to the

Secretary-Treasurer of the International Union of all dues-paying members on forms prescribed by the Secretary-Treasurer of the International Union.

D. They shall be required to include in each monthly report the name and address of all newly initiated and reactivated members; and members who have withdrawn, died, or have been suspended, including members automatically suspended after three (3) months delinquency in dues, or expelled.

E. A petty cash fund may be established by the Executive Board and shall be maintained by the Secretary-Treasurer or their designee to pay immediate necessary petty cash demands upon this Local Union. Replenishment of this fund shall be by check, as needed, the amount being the total paid-out vouchers for prior disbursements.

F. The Secretary-Treasurer shall be properly bonded by a bonding company under a bond approved by the Secretary-Treasurer of the International Union.

G. The Secretary-Treasurer or their designee shall, during their term in office, check the requirements of Section 201 (a) of the Labor-Management Reporting and Disclosure Act of 1959 to ascertain whether any changes have occurred which will cause the information required to be filed to be reported to the Secretary of Labor, U.S. Department of Labor, at the time of filing annual financial reports as required in sub-section (H) of this Section and as required by Section 201 (b) of the Labor-Management Reporting and Disclosure Act of 1959.

H. They shall file annually with the Secretary of Labor, U.S. Department of Labor, a financial report containing the following information in such detail as may be necessary to disclose this Union's financial conditions and operations for its preceding fiscal year:

- Assets and liabilities at the beginning, and end of the fiscal year;

- Receipts of any kind, and the sources thereof;

- Salary and other direct or indirect disbursements (including reimbursement expenses) to each officer and to each employee who, during the fiscal year, received more than ten thousand dollars ($10,000.00) in aggregate from this Local Union, and any other labor organization affiliated with this Local Union, or with which it is affiliated, or which is affiliated with the International Union;

- Direct, and indirect loans made to any officer, employee, or member, which aggregated more than two hundred fifty dollars ($250.00) during the fiscal year, together with a statement of purpose, security, if any, and arrangements for repayment;

- Direct, and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangement for repayment; and

- Other disbursements made by this Local Union including the purposes thereof; all in such categories as the Secretary of Labor, U.S. Department of Labor, may prescribe.

- Any other financial reports or changes in the amounts reported as required by law.

I. The Secretary-Treasurer shall make available the information required to be contained in the above-mentioned reports to all the Local Unions' members.

J. The Secretary-Treasurer shall preserve all records in accordance with provisions of Section 206 of the LMRDA of 1959 which have been turned over to them until these records are at least five (5) years old. They shall turn over to their successor all such records to be kept until they are at least five (5) years old.

K. Each month of each year, the Secretary-Treasurer and/or their designee shall provide to the International Union Secretary-Treasurer a current listing of the Local Union's active, non-active, and associate members in good standing, including names, home addresses, and if known to this Local Union, home and cell phone numbers, and e-mail addresses.

SECTION 5.

RECORDING SECRETARY

The Recording Secretary and/or their designee shall keep the minutes and document the proceedings of meetings of this Local Union and the Executive Board.

SECTION 6.

TRUSTEES

The Trustees shall meet quarterly at a time designated by the Vice-President who will act as Chairperson of the Meeting. The Trustees' duties at the meeting will be to examine the financial records and report any discrepancies to the Local Executive Board and the Secretary-Treasurer of the International Union.

In the event the Vice-President is unable to call a trustee meeting in accordance with the above, the President shall call the meeting and act as Chairperson.

Article 8

Executive Board

SECTION 1. The Executive Board shall consist of the President, Vice- President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, plus the Members-at-Large representing the various units as indicated below. Each member of the Executive Board shall have one (1) vote except the President of this Local Union. The President shall act as Chairperson of the Executive Board, and shall have a voice but no vote, except when the President's vote would affect the outcome, in which case the President can either vote, and thereby change the result, or can abstain.

SECTION 2. The Executive Board shall have Members-at-Large elected in the following manner. Each bargaining unit with at least one hundred (100) members shall have one (1) Member-at-Large to be elected by the members in the bargaining unit. There shall be one (1) Member-At-Large to represent all the bargaining units with less than one hundred (100) members to be elected by the members in the bargaining units with less than one hundred (100) members. The elections for Members-at-Large shall take place at the same time and in the same manner as the election of officers.

SECTION 3. Regular Executive Board meetings shall be held on the second Tuesday of each month at a time and at a place designated by the Executive Board. Other Executive Board meetings shall be called by the President, as needed. The presence of at least one (1) of the following: the President, the Vice-President, the Secretary-Treasurer, the Recording Secretary, and the presence of at least fifty percent (50%) of the entire Board shall constitute a quorum, and such quorum shall have power to transact all business of the Executive Board. Special meetings of the Executive Board may be called by the President and must be called by the President upon the request of a majority of the members of the Executive Board. All members of the Executive Board shall be given reasonable notification by the President or designee of any meeting of the Executive Board. Special meetings of the Executive Board may be conducted by telephone, or video conference call, or electronic means.

SECTION 4. The Executive Board shall conduct the affairs of the Union in the intervals between General Membership meetings. It is empowered to authorize and perform all acts for the conduct of the Union's business between such Membership meetings. These shall include:

A. The Executive Board shall authorize employment of service representatives or organizers as it deems necessary for the proper conduct of the Union's business and shall determine the compensation for such employees in accordance with the collective bargaining agreement and any Executive Board policies.

B. The Executive Board shall authorize employment of such clerical assistants as it deems necessary for the proper conduct of the Union's business and shall determine the compensation for such employees in accordance with the collective bargaining agreement and any Executive Board policies.

C. The Executive Board may engage legal counsel and determine the compensation for such services.

D. The Executive Board shall determine which grievances shall be arbitrated.

E. The Executive Board shall determine which staff shall service which bargaining units. The Executive Board may authorize the President to make such determinations subject to its review from time to time.

F. The Executive Board, or a committee consisting of an odd number of at least three (3) members of the Executive Board appointed by the President of this Local Union, shall act as a Trial Board of this Local Union.

G. The Executive Board shall determine compensation for all officials of the Union.

H. The number of Stewards for each bargaining unit and their apportionment among the various departments shall be as determined by the Executive Board if not set by the collective bargaining agreement for that unit.

I. The Executive Board shall have the power to add to the Executive Board representatives from units with over one hundred (100) members that are organized during their term of office.

SECTION 5. Any officer or member of the Executive Board as enumerated in Section 1 of this Article who fails to attend three (3) successive meetings, without being excused from such attendance by the Executive Board, shall be deemed to have forfeited his office, and the Executive Board, pursuant to Article 23, may appoint a successor for the balance of the unexpired term; provided, however that if the office of the President is thus declared vacant, the Vice-President shall perform the duties of the President until such vacancy is filled by an election as provided in Article 9.

SECTION 6. Draft minutes of any Executive Board meeting shall be available for review no later than two (2) weeks following the meeting. Specific details which could violate a member's confidentiality or could disclose bargaining strategy may be protected

SECTION 7. The membership may discuss, modify, or overturn any action of the Executive Board but any such decision must be done at a membership meeting at which a quorum is present, and which is held or properly requested within one (1) calendar month of the Executive Board action.

SECTION 8. A bargaining unit shall be considered to have one hundred (100) or more members for purposes of Article 8, Section 2, if it has one hundred (100) or more members for the six (6) full consecutive months prior to the nominations of Officers. If after the election of Officers, a bargaining unit adds members so that its membership is one hundred (100) or more for six (6) consecutive months, then that bargaining unit shall be entitled to a Member-At- Large seat which shall be filled in accordance with Section 4. I. of this Article. If after the election of Officers, a bargaining unit loses members so that it has fewer than one hundred (100), then that bargaining unit shall retain its Member-At-Large seat until the next election.

Article 9

Conducting Elections of the Executive Board

SECTION 1. It shall be the aim of the Union to elect to the Executive Board the most capable members of the various groups comprising the Membership of the Union.

No person shall serve as an officer, trustee, member of the Executive Board, service representative, organizer, or other such employee if such service violates Section 504 of the Labor-Management Reporting and Disclosure Act of 1959. No person employed by this Local Union as a regular part-time or full-time service representative, organizer or support staff and covered by a collective bargaining agreement shall serve as an officer, trustee, or a member of the Executive Board.

No person who has been convicted of, or served any part of a prison term, resulting from the conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury; or a violation of Title II or III of the Labor-Management Reporting and Disclosure Act of 1959, any felony involving abuse or misuse of such person's position, or employment in a labor organization, or employee benefit plan to seek, or obtain an illegal gain at the expense of the members of the labor organization, or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes, or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve as an officer, director, trustee, member of the Executive Board, or similar governing body, business agent, manager, manager, organizer, employee (other than as an employee performing exclusively clerical or custodial duties), or representative of this Local Union during, or for the period of thirteen (13) years after such conviction, or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in case of a person so convicted or imprisoned, (A) the citizenship rights, have been revoked as a result of such conviction, have been fully restored, or (B) the appropriate judicial officer as set forth in Section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 determines that such person’s service in any capacity referred to above would not be contrary to the purposes of the Labor-Management Reporting and Disclosure Act of 1959.

SECTION 2. The Executive Board shall be elected by the Membership by secret ballot and shall hold office for a term of three (3) years unless removed for cause or until their successors have been elected and installed in office. Elections will be held in October. A candidate elected as President will also serve as a delegate to the OPEIU convention.

SECTION 3. No person shall be elected or appointed to an office in or as an Executive Board member of this Union unless they has been a member of this Union in continuous good standing as outlined in Section 19 of this Article for at least the preceding twelve (12) months, except that if a person is from a recently organized bargaining unit whose membership was not required to pay dues during all of the

preceding twelve (12) months, the person shall be eligible for election or appointment to that bargaining unit's Member-At-Large seat if they have been a member in continuous good standing since the effective date of the collective bargaining agreement for their bargaining unit.

SECTION 4. Notice of such meeting shall be given to all members in good standing at their last known physical and email address not less than fifteen (15) calendar days prior to the date of such meeting. The notice shall include the procedure for making nominations, the requirement for seconding nominations, the requirement to accept nominations and the fact that the member elected as President will automatically serve as a delegate to the OPEIU convention. The nominations shall be declared open at the regular Membership meeting to be held in the month of August every three (3) years. The members present shall be allowed to conduct the nominations. All nominations must be seconded to be valid. A nomination for an officer must be seconded by a member not from the same bargaining unit as the person making the nomination in order for the nomination to be valid. All persons nominated shall indicate their acceptance or declination: 1) verbally if present at the meeting; otherwise, 2) in writing no later than 7:00 pm one (1) week after nomination.

SECTION 5. An Election Board of three (3) members from different bargaining units shall be elected by the members present at the regular Membership meeting after nominations for the Executive Board have been closed except when there are no positions in which two (2) or more members have been nominated. No candidate in a contested election shall serve on an Election Board. The Election Board shall oversee the Union office staff performing any work required for the election.

SECTION 6. The Election Board is charged with the duty of conducting the regular election of officers and Executive Board Members of the Union. It shall make such regulations as will assure the members of a fair and honest election. Any candidate shall have the right to have an observer at the polls and at the counting of the ballots.

SECTION 7. The Election Board shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone.

SECTION 8. The elections shall take place at the regular Membership meetings in the month of October every three (3) years by the members present. The polls shall stay open for a thirty (30) minute period or until all members present have had an opportunity to vote, whichever is longer. Notice of such meetings and a list of the candidates nominated for each position shall be mailed to all members in good standing at their last known physical and email address not less than fifteen (15) calendar days following the nominations. If there are no positions in which two (2) or more members have been nominated, this notice may be sent to stewards for posting in accordance with Article 6, Section 4, instead of to all members. If the only position(s) in which two (2) or more members have been nominated are Member-At-Large positions, this notice may be sent to members in bargaining units eligible to vote, instead of to all members.

SECTION 9. The ballot shall allow members to vote for individual candidates. Two (2) or more candidates shall be allowed to run as a slate. A slate is free to choose any wording for the slate designation up to five (5) words. Candidates running as a slate shall be identified on the ballot according to their affiliation with a particular slate. The slate designation shall be near each candidate's name on the ballot. However, a duly nominated candidate shall have the right to run as an independent candidate. Such candidates shall be identified with "Independent Candidate" near their name on the ballot unless no candidates are running as a slate.

SECTION 10. No member of this Union shall be permitted to vote unless they are in good standing in the Union as outlined in Section 19 of this Article. The Election Board shall examine the membership status of all members before permitting them to vote or opening any absent voter's ballot cast in accordance with Article 28 and shall compare the said status with lists to be supplied by the Secretary-Treasurer or designee.

SECTION 11. No votes for any member who is not duly nominated and listed on the ballot may be counted by the Election Board. (No sticker or write-in candidates.)

SECTION 12. There shall be no voting by proxy or mail ballot except as specified in Article 28.

SECTION 13. Only Election Board members or observers may challenge the right of a person to vote. Any person whose right to vote is in dispute shall still be allowed to vote, but their ballot shall be placed in an unidentifiable envelope and sealed. This envelope shall be placed in another envelope and labeled with the member's name and the reason for the challenge. If the total number of challenged ballots could affect the outcome of the election, then the Election Board shall review the reason for each challenge and decide if the ballot should be counted. Those ballots determined to be valid by the Election Board shall be added to the total votes cast for each candidate.

SECTION 14. No member shall hold more than one (1) of the offices specified in Section 1.A. or Section 2 of Article 7 at one and the same time.

SECTION 15. In the event an election results in a violation of Section 7 of this Article, the person involved who is elected to the office with the highest rank shall be declared elected, and another election shall be held for the other office or offices affected. For purposes of this sub-section, the rank of offices shall be determined by the order named in Section 1.A. of Article 7. In case the violation involves candidates for Trustee, the rank among Trustees shall be determined by the number of votes received.

SECTION 16. The candidates receiving the greatest number of votes for the respective office shall be declared elected.

SECTION 17. After an election has been held and the report of the Election Board has been rendered, all election records and ballots shall be turned over to the Secretary-Treasurer for safekeeping among

the records of the Union for not less than one (1) year. The election records cannot be opened unless authorized by the Union.

SECTION 18. All officers and Executive Board members shall be inaugurated at the next regular Executive Board meeting following the election and shall assume office subject to the provisions of Article 10. Before entering the duties of their respective offices, the newly elected officers shall subscribe to the following installation obligation: "I, _____, do solemnly pledge my word, and honor before these witnesses that I will, to the best of my abilities, perform the duties of my office. At the close of my official term, I will turn over to my successor all books, records, and all other properties, including funds, of this Local Union, that may be in my possession. I will also deliver all such properties to the International Union upon lawful demand. I will at all times devote my efforts to further the objectives and best interests of my Union."

SECTION 19.

GOOD STANDING

A. An employee in a position represented by Local 459 is not a member in good standing if the employee has not submitted either an application for membership form or an authorization for payroll deduction form and paid at least one (1) month's dues.

B. An employee who has signed a form allowing the deduction of dues from their paycheck but who has not had any dues deducted, has not paid any dues, and does not meet this requirement.

C. An employee who has had dues deducted from their paycheck has met this requirement even if the employer has not forwarded the dues to Local 459. (A paystub may be used as proof of deduction.) An employee can meet this requirement by giving one (1) month's dues directly to Local 459.

ARTICLE 10

Recount

SECTION 1. A recount may be ordered upon presentation to the President of a petition signed by seven percent (7%) of members of the Union in good standing. The petition must be presented to the President within fourteen (14) calendar days after the election and this petition shall enumerate the reasons why such members believe a recount should be held. The President shall call a special meeting of the Executive Board to consider such petition, and a meeting shall be held no later than fourteen (14) days after receipt of the recount petition. If at this meeting, the Executive Board rules that a recount(s) should be held, it shall instruct the Election Board to conduct such recount(s). If the Executive Board denies any part of a recount petition, it shall make a report of its ruling to the next regular or special membership meeting. The notice for such a meeting shall be in accordance with Article 6, Section 4.

It shall require a majority vote of those members in good standing present at the membership meeting to reverse all, or any part of the Executive Board's decision regarding the recount petition. If the membership reverses any or all parts of the Executive Board's decision, the Election Board shall conduct the specified recount(s).

Any candidate for an office for which a recount has been requested shall be permitted to attend all meetings of the Election Board as an observer, including any recounting of ballots. The Election Board shall report its findings to the membership at the next regular, or special membership meeting. If a report of the Election Board declares that their tabulation shows that a previously declared defeated candidate(s) has actually been the recipient of the greatest number of votes cast for that office, such candidate(s) shall be declared elected.

SECTION 2.

A. Any member seeking to file a protest concerning any facet of the nomination, or election process may file a written protest stating all grounds on which the protests based with the Election Board. All protests must be filed within ten (10) days of the of the ballot count. All protests regarding any recount of ballots must be filled within ten (10) days of the recount. Within ten (10) days of receipt of the protest, the Election Board must issue a written ruling of the issues raised in the protest.

B. Any, or all of the members who filed the original protest, or any candidate adversely affected by the decision of the Election Board, may appeal the Election Board's decision to the Local Union Executive Board within ten (10) days of receipt of the decision by the Election Board. The Executive Board may sustain, modify, or reverse the decision of the Election Board. The Executive Board shall render a decision on the appeal no later than its next regular meeting, and that decision shall be fully explained in writing, and sent to each appealing member, all involved candidates and the Election Board within seven (7) days after that meeting.

C. Any or all of the members who filed the original protest, or any candidate adversely affected by the Executive Board's decision may appeal the Executive Board's decision to the membership. Said appeal must be in writing and must be received by the Secretary-Treasurer of this Local Union within ten (10) days after receiving the decision of the Executive Board. The membership will consider this appeal at the first membership meeting of the Local Union that is held at least fifteen (15) days after the Executive Board's decision. By a secret ballot vote of the majority of the membership present, and voting, the membership may sustain, modify, or reverse the decision of the Executive Board.

SECTION 3. Any or all of the members who filed the original protest, or any candidate adversely affected by the membership's decision may appeal the membership's decision to the International Union Executive Board using the OPEIU Appeal Procedure found in the OPEIU Administrative Policies and Procedures. Copies of these procedures may be obtained by contacting the office of the Secretary-

Treasurer of the OPEIU. Said appeal must be received no later than thirty (30) days after the membership's decision and must conform with the OPEIU Appeal Procedure.

SECTION 4. The candidate that the Election Board declares elected shall be installed into office as provided for in Article 9 Section 18 and shall retain their offices so long as proceedings involving a recount petition, election protest and/or related appeals remain pending, unless the International Union Executive board determines otherwise.

ARTICLE 11
Election Offenses

SECTION 1. Any member found guilty by the Trial Board, as outlined under Article 20, Section 4, of tampering with ballots, illegal voting, committing fraud, violence, coercion, or other conduct not included in the foregoing, which in any manner interferes with a member's right to participate in the election process, shall be subject to expulsion, suspension, or fine by the Trial Board.

All rulings of the Trial Board are subject to appeal as provided for in the OPEIU Uniform Disciplinary Procedure and Appeals Procedure found in the OPEIU Administrative Policies and Procedures. Copies of those Procedures may be obtained by contacting the office of the Secretary-Treasurer of the International Union.

ARTICLE 12
Elections of Stewards and Alternates

SECTION 1. The election of Stewards and Alternates for each bargaining unit shall take place the month following the election of Officers of the Local Union. Stewards and Alternates shall be elected by each individual bargaining unit by secret ballot at a time(s), date(s) and method(s) called by the President or their designee. There shall be no voting by proxy or mail ballot. If a bargaining unit has more than one (1) steward or alternate, the members shall vote for only the Steward and/or Alternate which shall service the department and/or shift in the bargaining unit for which they work.

SECTION 2. Stewards and Alternates shall hold office for a term of three (3) years unless removed for just cause or until their successors have been elected and installed in office.

SECTION 3. In lieu of conducting an election, the Executive Board shall have the authority to appoint a Steward or Alternate if only one (1) member is nominated for the position. The President shall be allowed to appoint a temporary steward between Executive Board meetings. If a Steward resigns or is removed for just cause, the Alternate Steward shall serve as Steward until a new Steward is elected, until the President appoints a temporary steward or until a new Steward is appointed by the Executive Board.

SECTION 4. Unless specifically designated otherwise in a bargaining unit's contract, the Local Executive Board shall appoint Chief Stewards from among the stewards in that unit. The President shall make a recommendation to the Executive Board after consulting with the stewards from that bargaining unit. The President may appoint acting Chief Stewards, if necessary, until the Executive Board takes action.

The Executive Board shall have the authority to remove or replace Chief Stewards. The Executive Board shall consult with the President and the Stewards from that bargaining unit prior to removing or replacing a Chief Steward.

ARTICLE 13

Finances

SECTION 1.

DUES AND ASSESSMENTS

A. Regular Dues
The regular dues of the membership shall be as follows:

1. Members working full-time shall pay a monthly amount equal to 1.95 times the member's regular hourly wage.

2. Members working part-time shall pay a monthly amount equal to 1.70 times the members' regular hourly wage.

B. Minimum Dues

1. Any member working full-time and earning less than $11.94 as a regular hourly wage shall pay $18.50 per month in dues.

2. Any member working part-time and earning less than $10.19 as a regular hourly wage shall pay $13.25 per month in dues.

3. Dues for members working per diem shall be determined by the provisions in the Collective Bargaining Agreement between our Local and that member's Employer. If that Collective Bargaining Agreement does not have specific provisions, any member working Per Diem and paid for at least one-half (1/2) the minimum number of hours worked by a part time employee in a month, shall pay dues of a part time employee for that month. Any member working Per Diem and paid for at less than one-half (1/2) the minimum number of hours worked by a part time employee in a month, shall not owe dues for that month.

C. Definitions

1. A member's hourly wage is defined as the base wage received by the member. It does not include any overtime pay, shift premiums or other similar bonuses. Cost of Living allowances are not included unless rolled into the base wage.

2. A member's status as a full-time, part-time or per diem employee for purposes of dues shall be determined by the definition used in the Collective Bargaining Agreement between our Local and that member's Employer.

3. A member who does not have a regular hourly wage shall pay monthly dues of $26.25.

D. Weekly & Biweekly Options

A bargaining unit may opt to pay dues on a weekly or biweekly basis instead of monthly.

Units paying weekly shall pay an amount equal to the monthly dues times 12 divided by 52. (Monthly dues x 12 divided by 52 = weekly dues).

Units paying biweekly shall pay an amount equal to the monthly dues times 12 divided by 26. (Monthly dues x 12 divided by 26 = biweekly dues).

E. Changes in Status

1. Members who changed from part-time to full-time (or vice versa) shall pay the dues for the status in which the greater number of calendar days were spent.

2. Members who receive different regular hourly wages shall pay dues on the wage received for the majority of hours paid.

F. Leaves of Absence

Members who have worked fifty percent (50%) or more of their normal work schedule shall be required to pay their full dues. Members who have worked less than fifty percent (50%) of their normal work schedule shall not be required to pay dues. Vacation time, paid sick leave, or any other paid leave of absence shall be considered as time worked for purposes of this subsection. Partially paid leaves such as workers' compensation or disability shall not be considered as time worked for purposes of this subsection. Dues shall not be waived for more than twelve (12) months under this subsection.

SECTION 2.

DUES INCREASES

All proposals for increases of dues must be presented to the Executive Board. If the Executive Board approves of such increase in dues, the motion shall be incorporated in its Minutes to be read to the next Membership meeting. There can be no vote or discussion on the subject of the dues increase at that meeting, but it shall be held over until the succeeding Membership meeting. The succeeding Membership meeting shall be scheduled at least two (2) calendar months following the reading of the Minutes to allow sufficient time for Absent Voter's Ballots to be requested, mailed to members, and returned. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposal and that a vote will be taken at that Membership meeting. A majority vote, by secret ballot, shall be required to constitute acceptance of the proposed dues increase. There shall be no proxy or mail ballot except as specified in Article 28. The votes shall be counted, and a report given to the members present. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.

SECTION 3.

MEMBERS WORKING FOR TWO (2) EMPLOYERS

In the event a member is working for two (2) different employers whose employees are both represented by this Union, the member shall owe dues according to the following:

If the member has a full-time and a part-time job, the member shall pay full-time dues at the rate the member receives for the full- time job.

If the member has two (2) part-time jobs, the member shall pay full-time dues at the higher of the two (2) rates.

ARTICLE 14
Use of Funds

SECTION 1. The funds of this Local Union cannot be divided in any way among individual members and can be utilized only for valid Union purposes.

SECTION 2. Expenditures of this Local Union shall only be for valid purposes of the Local Union. The Local Union's general fund shall be used for the payment of expenses incurred by this Local Union on behalf of its membership, primarily for organizing, defense, service, and contract administration, and as a depository for its money. Expenditures of the Local Union shall be only for purposes of the Local Union, and in all cases shall be made by check, electronic funds transfer, or other means of disbursing funds. Disbursements made by check, shall be signed, or authorized in writing by the Secretary- Treasurer, and countersigned, or authorized in writing by the President, or a third officer who may be designated by the Local Union to countersign an authorization for disbursement of local union funds. Disbursements made

other than by check must be authorized and countersigned by the local union officers granted the authority to authorize, sign, or counter sign checks. Disbursements made other than by check require the individual authorizing the disbursement, to create a permanent record of the transaction that includes the name of the payee, the amount being disbursed, the account number, and name of the financial institution from which the disbursement is being withdrawn, the account number, the name of the financial institution where the disbursement is being disbursed to, and the name of the individual who counter-authorized the disbursement as well as the date of authorization, counter-authorization, transmission, and receipt. A petty cash fund may also be authorized by the Local Union, from which expenditures can be made. The initiation fees, reinstatement fees, and other obligations owed by the Local Union to the International Union shall constitute a preferred claim and must be paid promptly by the Local Union each month prior to the payment of any other obligation of the Local Union.

SECTION 3. All expenditures shall be made by check or other disbursement of funds signed or authorized in writing by the Secretary- Treasurer, and countersigned, or authorized in writing by the President or whichever third officer who may be designated by this Local Union constitution to countersign a check, or other disbursement of funds.

SECTION 4. The fiscal year of this Local Union shall be the twelve (12) month period ending with the last day of the month of December each year.

SECTION 5. The per capita, initiation fees, reinstatement fees, Strike Benefit and Defense Fund, Convention Fund, Education Fund, Scholarship Funds, AFL-CIO State Federation per capita, and other obligations owed by this Local Union to the International Union shall constitute a preferred claim, and must be paid promptly by this Local Union each month prior to the payment of any other obligation of this Local Union.

SECTION 6. The Executive Board shall be authorized to continue the Political Action Committee and to have a portion of each dues deposited into a separate account to be used by the Committee. The Executive Board shall establish the rules and regulations for the Committee and the use of the fund.

SECTION 7. The Executive Board shall be authorized to establish a Strike Fund and to have a portion of each dues deposited into the fund to be used for the members of this Union and to establish the rules and regulations for the use of that fund.

ARTICLE 15

Auditing of Financial Records

SECTION 1. An audit shall be conducted following the end of each fiscal year. No later than the month following the end of the fiscal year, the Executive Board shall select a certified public accountant to audit the financial records. The audit shall be submitted to the Executive Board and to the Secretary-Treasurer

of the International Union. The report shall be read at the next regular membership meeting and available for review by any member.

ARTICLE 16
Conflict Resolution

SECTION 1. In the event of a conflict between two (2) or more members of this Local, it is the policy of the Local to urge resolution at the earliest time and at the lowest level. Members who are unable to resolve a conflict may approach their steward for help.

SECTION 2. If members have been unable to resolve a conflict with the help of the steward, or if the steward is involved in the conflict, they may approach their Service Representative for help.

SECTION 3. If a conflict still exists and if the Local President believes that the conflict could have an adverse impact on the Local or its members, the President may suggest voluntary mediation. If such mediation is offered, the President will offer the members a name or a list of names of neutrals. The neutrals may or may not be members of the Local. The President may urge but cannot require participation in mediation.

SECTION 4. If mediation is unsuccessful in resolving the conflict or if one (1) or more parties to the conflict declines mediation, then a complaint may be filed, and hearing procedures take place in accordance with Article 17.

ARTICLE 17
Complaints and Hearings

SECTION 1. This Local Union may discipline its members, or Officers only as permitted by law, for violation of the International Constitution, or this Local Union's Constitution and Bylaws or for engaging in any activity, or course of conduct which is deemed to be contrary, or detrimental to the welfare, or best interest of this Local Union. The OPEIU Uniform Disciplinary Procedure, which includes rights of appeal to ensure full compliance with applicable law, shall be the sole procedure for processing charges against Officers, or members of this Local Union. The OPEIU Uniform Disciplinary Procedure is available to any member upon request to the Secretary-Treasurer of the International Union.

SECTION 2.

Any member may be penalized for committing any one (1) or more of the following offenses:

A. Publicizing or giving information about this Local Union's affairs to persons not entitled to such information,

B. Working for an employer against whom this Local Union has declared a strike, or whom this Local Union has declared to be unfair, unless permission has been granted by proper Officers of this Local Union;

C. Working for less than the rate of pay provided for by the applicable collective bargaining agreement to which this Local Union is a party;

D. Failure to appear before this Local Union's Executive Board, or Trial Board when ordered to do so;

E. Obtaining membership through fraudulent means, or by misrepresentation;

F. Violation of Oath of Membership, or Oath of Office if an officer;

G. Working in the interest of any organization, or a dual union opposed to the interest of this Local Union;

H. Being present, or entering a meeting of members, or of the Executive Board while intoxicated, or disturbing the peace of any such meeting by creating or participating in disturbances, or of similar conduct in, and about the offices, or meeting place of this Local Union;

I. Causing, or participating in, a stoppage of work because of any alleged grievance, or dispute without authorization of this Local Union, or its proper officers;

J. Any acts of misconduct which are detrimental to the best interest of this Local Union; or conduct unbecoming a member of this Local Union; or of violation of any of the provisions of the Constitution and Bylaws of this Local Union, or of the Constitution of the International Union.

SECTION 3. Any member who has been found guilty by the Trial Board of any of the above offenses, or for violation of this Constitution or the International Union Constitution may be penalized in accordance with the OPEIU Uniform Disciplinary Procedure, which is available through the Secretary-Treasurer of the International Union.

SECTION 4. Any member who has been found guilty of any of the above offenses, or for Violation of this Constitution and Bylaws, or the International Union Constitution, may appeal the decision of the Trial Board using the appeal procedure set forth in the OPEIU Uniform Disciplinary Procedure, which can be found in the OPEIU Administrative Policies and Procedures, Copies of such Uniform Disciplinary Procedure are available upon request to the office of the Secretary-Treasurer of the International Union.

SECTION 5. In any case involving disciplinary action, there shall be no resort to a court of law until such relief within this Local Union under its Constitution and Bylaws, and within the International Union under its Constitution, or other governing documents has been exhausted.

SECTION 6. None of the foregoing provisions of this Article, including, but not limited to, the provisions of the OPEIU Uniform Disciplinary Procedure, is applicable to any matter involving delinquency or failure to pay dues.

ARTICLE 18
Non-Discrimination

SECTION 1. No applicant for membership or member shall be discriminated against because of race, color, creed, religion, age, sex, marital status, height, weight, national origin, sexual orientation, gender identity, or disability.

ARTICLE 19
Procedure at Meetings

SECTION 1. The President of the Union shall act as Chairperson at all regular or special meetings of the Membership and Executive Board, except as otherwise provided in this Constitution and Bylaws. Robert's Rules of Order Revised shall apply at all meetings of this Union.

SECTION 2. It is provided further that any member requesting the floor from the Chairperson shall make that request by stating their name and place of employment.

ARTICLE 20
Removal of Officials

SECTION 1. All Officers, Trustees, Executive Board Members, Stewards and Alternates are deemed "officials" within the purview of this Article. To commence impeachment proceedings against any Officer, Trustees and Executive Board Members of this Local Union, a petition must be filed with the Executive Board, signed by twenty-five percent (25%) of the active members in this Local Union. Petitions regarding Stewards and Alternates must be signed by fifty percent (50%) of the members in good standing of the portion of the bargaining unit served by the Steward or Alternate. The petition shall state the specific offense with which the official is charged, as well as a brief statement sufficient to apprise the signatories of the charge being preferred.

SECTION 2. The Executive Board, or a subcommittee consisting of an odd number of at least three (3) members of the Executive Board appointed by the President of this Local Union shall act as the Trial

Board in all proceedings under this Article. Any Official under charges by virtue of any impeachment petition shall be automatically barred from acting as a member of the Trial Board.

SECTION 3. The Trial Board shall follow the procedure provided in OPEIU's Uniform Disciplinary Procedure. Copies of the Uniform Disciplinary Procedure are available upon request from the office of the Secretary-Treasurer of the International Union.

SECTION 4. If the Trial Board finds the charged party guilty, it shall then, by a majority vote, determine the proper penalty, which may include removal from office, reprimand, fine, suspension, prohibition from running for office, and/or expulsion.

SECTION 5. Any officials found guilty by the Trial Board pursuant to the proceedings held under this Article shall have the right to appeal set forth in the OPEIU Uniform Disciplinary Procedure. Pending any decision on such appeal, the decision of the Trial Board shall become effective upon issuance, unless stayed pending appeal by a majority vote of the Trial Board.

SECTION 6. This Local Union may discipline its members, or Officers only as permitted by law, for violation of the International Union Constitution, or this Local Union's Constitution and Bylaws, of for engaging in any activities, or course of conduct which it deems to be contrary, or detrimental to the welfare, or best interest of this Local Union.

SECTION 7.

Any member may be penalized for committing any one (1) or more of the following offenses:

A. Publicizing or giving information about this Local Union's affairs to persons not entitled to such information;

B. Working for an employer against whom this Local Union has declared a strike, or whom this Local Union has declared to be unfair, unless permission has been granted by proper officers of this Local Union;

C. Working for less than the rate of pay provided for by the applicable collective bargaining agreement to which this Local Union is a party;

D. Failure to appear before this Local Union's Executive Board, or Trial Board when ordered to do so;

E. Obtaining membership through fraudulent means, or by misrepresentation;

F. Violation of Oath of Membership, or Oath of Office if an officer;

G. Working in the interests of any organization, or dual union opposed to the interest of this Local Union;

H. Being present, or entering a meeting of members, or the Executive Board while intoxicated, or disrupting the peace of any such meeting by creating or participating in disturbance, or similar conduct in and about the offices, or meeting places of this Local Union;

I. Causing, or participating in a stoppage of work because of any alleged grievance, or dispute without the authorization of this Local Union, or its proper officers;

J. Dishonesty in the conduct of their office, fraud, corruption, accepting any bribes or intimidation of any members;

K. Abuse of office or gross negligence in the conduct of their office.

ARTICLE 21
Withdrawal and Military Service Cards

SECTION 1. This Local Union may issue withdrawal cards only to active members who, at the time of request for same, are in good standing with all obligations paid to the International Union, and this Local Union, including the current month. Such cards shall be issued as follows:

A. A withdrawal card shall be issued by this Local Union to any active member requesting same who is leaving the jurisdiction of the International Union.

B. Any person bearing a withdrawal card shall not be entitled to participate in the operation of this Local Union. A person bearing a withdrawal card, and who has complied with the conditions of the same, shall upon resuming work within the jurisdiction of this Local Union deposit such card, and thereafter shall be admitted to membership in this Local Union without the payment of any initiation, or transfer fees.

SECTION 2. Members entering the armed services of the United States, or Canada during emergency periods as determined by the Executive Board of the International Union, and who are in good standing with all obligations to the International Union, and this Local Union, including the month in which they entered the armed services, shall be issued military service cards, which shall continue their membership without the payment of dues, or other fees for the period of the service required by such emergency periods, and for an additional ninety (90) day period or until they again resume work within the jurisdiction of this Local Union, whichever occurs first; except that such persons shall only accrue rights to benefits to the extent determined by this Local Union.

SECTION 3. Withdrawal, and military service cards shall be issued by the Secretary-Treasurer of this Local Union, and monthly reports of all such cards issued, deposited, or canceled shall be made to the Secretary-Treasurer of the International Union.

SECTION 4. If permissible under state law, this Local Union may issue work permits to persons employed for a period not exceeding ninety (90) days for work within the jurisdiction of this Local Union in establishments where this Local Union has union agreements, which work permit shall allow such person to work without the payment of initiation fees, and dues; provided, however, that any such person may apply at any time during such period for membership in this Local Union. In the event a person works beyond ninety (90) days, then any extension beyond this period will be subject to approval by the International President. Such permits, if used by a Local Union, shall be issued monthly, and the charge shall be the same as this Local Union's regular monthly dues. Work permits shall be issued by this Local Union's Secretary-Treasurer, and monthly reports of all work permits issued shall be made to the Secretary-Treasurer of the International Union.

SECTION 5. All withdrawal, military service, and work permit cards shall be secured by this Local Union from the Secretary-Treasurer of the International Union.

ARTICLE 22
Negotiations and Strikes

SECTION 1. Each bargaining unit shall determine the number of members of their negotiating team if it is not set by the collective bargaining agreement for that unit.

SECTION 2. Each bargaining unit shall elect by secret ballot the negotiating team for that unit. The election shall take place at a meeting called by the President or their designee. There shall be no voting by proxy or mail ballots.

SECTION 3. The Executive Board shall determine the compensation, if any, of the negotiating team.

SECTION 4. Any tentative agreement shall be ratified by a secret ballot vote of the bargaining unit. The ratification vote shall be determined by the President or their designee as to the time, place, and method. There shall be no proxy or mail ballots. A majority of the members voting must vote in favor of the agreement in order to ratify.

SECTION 5. This Union shall not call a strike against an employer or employers unless:

A. A majority of the members employed by the employer or employers who are present at a meeting(s) called by the President or their designee for the purpose of discussing the proposed strike, vote by secret ballot to request a strike. There shall be no proxy or mail ballots; and

B. The majority of the Executive Board votes to approve the strike; and

C. The approval of the International Union is obtained.

SECTION 6. Strikes against any employer or employers may be terminated if a majority of those members of this Union employed by such employer or employers vote by secret ballot to terminate the strike and if a majority of the Executive Board concurs with this action.

SECTION 7. The Local President or their designee shall sign each collective bargaining agreement negotiated by representative of this Local Union

ARTICLE 23
Vacancies in Office

SECTION 1. In the event any vacancy is created by the resignation or removal or an official of this Union (as defined in Article 20, Section 1), the Executive Board shall be empowered to appoint a successor to fill the balance of the unexpired term, and such appointee shall hold office until the next regular election for that office.

ARTICLE 24
Limitations on Committees

SECTION 1. In addition to other Committees and Boards established by this Constitution and Bylaws, this Union shall provide for such other standing committees, and, from time to time such special committees, as may be proper and necessary to conduct the business of this Union.

SECTION 2. In establishing such other committees, the duties of the committee, the extent of its authority, and the permissible amount of expenditures that may be made by such a committee must be made a part of the Minutes. In any event, such committee shall not be permitted to exercise functions belonging to other committees or boards; and shall not exceed the authority granted to them by the Membership. The President shall be an ex-officio member of all committee.

SECTION 3. The President or their designee shall appoint members to any committee called for in a collective bargaining agreement or Letter of Understanding between this Union and an Employer.

ARTICLE 25
Affiliations and Delegates

SECTION 1. This Local Union shall be affiliated with the Educational Conference embracing its geographical jurisdiction as designated by the International Union Executive Board.

SECTION 2. Where members are employed, this Union shall be affiliated with Central Labor Organizations, Councils, Department or Federations chartered by or affiliated with the American Federation of Labor and Congress of Industrial Organizations and/or the Office and Professional Employees International Union. However, the Executive Board may by majority vote decline to affiliate with a particular Organization.

SECTION 3. Pursuant to Article XVII, Section 2(a) of the International Union Constitution, if a majority of the members of this Local Union are employed within the jurisdiction of a Council established by the International Union Executive Board, this Local Union shall be affiliated with such Council. Pursuant to Article XVII, Section 2(b) of the International Union Constitution, if a minority of the members of this Local Union are employed within the jurisdiction of a Council established by the International Union Executive Board, this Local Union may choose to be affiliated with such Council.

SECTION 4. Delegates to the aforesaid Central Labor Organizations, Councils, Departments or Federations shall be appointed by the President.

SECTION 5. Each delegate to a Convention of the Office and Professional Employees International Union must have been in good standing in the Local Union for at least twelve (12) months prior to the convening of the Convention. Each delegate shall be selected by a secret ballot vote of the Local Union except the President will automatically serve as a delegate. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting. The members present shall elect the Delegate.

SECTION 6. Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Union, and protect its interests, and properly present and support its declared policies and instructions. They shall report to this Union the proceedings of the organization to which they were delegates and perform such other duties as pertain to their office.

ARTICLE 26
International Constitution

The Constitution of the International Union shall be the paramount law applying to the government of this Union, and all provisions of said International Union Constitution insofar as the same are or may be applicable to the affairs and activities of this Union are hereby, by reference thereto, incorporated into

and made a part of this Constitution and Bylaws, and any provision contained herein which is contrary to or in conflict with the provisions of the International Union constitution shall be inoperative and of no effect except as the International President may otherwise specifically approve.

ARTICLE 27
Amendments

SECTION 1. A proposed amendment to this Constitution may be introduced by the Executive Board, or by a petition containing the proposed amendment which has been signed by at least twenty-five percent (25%) of the members in good standing. Such a petition must be presented at that meeting, but it shall be held over until the succeeding Membership meeting.

SECTION 2. The Executive Board shall include the proposed amendment in its Minutes to be read at the next Membership meeting. There can be no vote or discussion on the subject of the amendment at that meeting, but it shall be held over until the succeeding Membership meeting. The succeeding Membership meeting shall be scheduled at least two (2) calendar months following the reading of the Minutes to allow sufficient time for Absent Voter's Ballots to be requested, mailed to members, and returned.

SECTION 3. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposed amendment and that a vote will be taken at said meeting. There shall be no voting by proxy or mail ballot except as specified in Article 28. A vote of two-thirds (2/3) of those members voting shall be required to constitute acceptance of the proposed amendment to the Constitution and Bylaws except as provided in Article 13 Section 2 herein. The votes shall be counted and a report given to the members present.

SECTION 4. No amendment of this Constitution and Bylaws shall take effect until approval of the President of the International Union has been secured.

SECTION 5. Pursuant to Article XIX, Section 16 of the International Union Constitution, it is the obligation of this Local Union to update this Constitution and Bylaws in accordance with actions taken at each OPEIU Convention, to the extent applicable, no more than six (6) months after receipt of a listing of Constitutional changes from the International Union Secretary-Treasurer.

Article 28
Absent Voter's Ballots

SECTION 1. An Absent Voter's Ballot shall be allowed only for the election of the Executive Board, dues increases, and amendments to this Constitution and Bylaws and only according to the process below.

SECTION 2. A member may request an Absent Voter's Ballot by the form which is Attachment A to this Constitution and Bylaws.

SECTION 3. Requests for an Absent Voter's Ballot must be received at the Union's office by no later than one (1) calendar month prior to the meeting date. If the person making the request is not a member in good standing (as defined in Articles 9 and 13) at the time of the request and at the deadline for requesting an absent voter's ballot, an Absent Voter's Ballot shall not be issued for that person. Absent Voter's Ballots shall be mailed with a return envelope and a plain envelope enclosed by no later than seven (7) calendar days following the deadline for requests for Absent Voter's Ballots. The return envelope shall have the member's name and address printed on the outside for purposes of validation of membership. The plain envelope shall be unidentifiable, used to contain the ballot, and shall be placed within the return envelope. The return envelope must be filled out and signed by the member.

SECTION 4. The members' address on file with the Union office shall be used and it is the responsibility of each member to inform the Union of their current address.

SECTION 5. The Union shall rent a post office box to receive Absent Voter's Ballots - the returned ballots must be received by no later than 9:00 a.m. the day of the meeting

ATTACHMENT A

OPEIU Local 459, AFLCIO
CONSTITUTION AND BYLAWS
as amended August 5, 2025

REQUEST FOR ABSENT VOTER'S BALLOT

I request an Absent Voter's Ballots for the following vote:

_____

I understand this form must be received by the Local 459 office no later than one (1) calendar month prior to the meeting date.

If I do not receive the Absent Voter's Ballots at least seven (7) calendar days prior to the meeting date, I will call the Local 459 office.

Print Name: _____

Home Address: _____
_____

Signed: _____

Date: _____

ATTACHMENT B

MEMBER STATUS WHILE ON LEAVES OF GREATER THAN SIXTY (60) DAYS

	MEMBER ON UNPAID INVOLUNTARY LEAVE (E.G. LAYOFF, SICK LEAVE, FIRED AND GRIEVING)		**MEMBER ON UNPAID VOLUNTARY LEAVE** (E.G. EDUCATIONAL LEAVE)		**MEMBER IN TEMP. SUPERVISORY POSITION**	
	PAYS DUES	**DOES NOT PAY DUES**	**PAYS DUES**	**DOES NOT PAY DUES**	**PAYS DUES**	**DOES NOT PAY DUES**
Eligible to Vote on Local Issues	YES	YES (waived up to 12 months)	YES	NO	YES	NO
Eligible to Vote on Bargaining Unit Issues	YES	NO	YES	NO	YES	NO
Eligible to Run for Office	YES	NO	YES	NO	NO	NO
Eligible to Hold Office Previously Elected to	YES	YES	YES	NO	NO (but position held 3 mons)	NO

NOTE: This chart reflects a member's right to participate in internal Union affairs. It does not affect or reflect an employees' right under their contract.