



Transport Workers Union of America, AFL-CIO

CONVENTION CALL

to the

26th Constitutional Convention

September 13-17, 2021

Caesars Palace Hotel and Casino

Las Vegas, Nevada

FROM THE LEADERSHIP

The 26th Constitutional Convention of the Transport Workers Union of America, AFL-CIO, as the supreme authority in our union, will review the administration and the achievements of our union over the past four years in light of the many challenges that confront us and our nation.

The major function of the Convention is to chart our future course, and to that end we will formulate and adopt programs and policies designed to promote the welfare of our union and its members.

We are confident that the delegates' deliberations and their decisions will not only enhance our strength at the collective bargaining tables, but will also help to develop more effectively our resources in the increasingly important political arena.

Fraternally,

John Samuelsen

International President

Alex Garcia

International Executive Vice President

Jerome Lafragola

International Secretary-Treasurer

Curtis Tate

Administrative Vice President

Mike Mayes

Administrative Vice President

The International Executive Council of the Transport Workers Union of America, AFL-CIO, in accordance with the provisions of the Constitution of the Transport Workers Union of America, hereby calls the 26th Constitutional Convention of our union to convene on Monday, September 13, 2021 at 9:00 a.m. at Caesars Palace Hotel and Casino, Las Vegas, Nevada to deliberate and act upon the affairs of our union. Your attention is called particularly to the following requirements which are based either on the International Constitution or on the Landrum-Griffin Law as it relates to elections and International Conventions.

Representation

Each local union shall be entitled to the following number of delegates to the International Convention: One delegate for the first 300 members or less in the local union and one additional delegate for each additional 300 members or majority fraction thereof.

Each delegate to the International Convention shall have one vote for the first 100 members or less whom he/she represents and one additional vote for each additional 100 members or majority fraction thereof, but no delegate shall have more than ten (10) votes.

Representation shall be based upon the average of the paid and exonerated membership of the local union for the months of January, February, and March 2021. Such membership shall be determined from the records of the International Secretary-Treasurer.

A local union, which has been chartered for less than three months preceding the month in which this call for the International Convention is issued, shall be entitled to send only fraternal delegates to the International Convention, except that this does not apply where all or substantially all of the membership of the newly-chartered local have been members of TWU, in which case the local is entitled to elect regular delegates to the convention.

Any local union, which on the seventh day prior to the opening of the convention is in arrears to the International union for per capita or assessment, shall not be entitled to representation at the convention unless exonerated for good cause by the International Executive Council.

Election of Delegates

The Landrum-Griffin Law precludes the seating of any delegate or alternate who is not elected by secret ballot.

A duly elected local president does not have to be specially elected as a delegate because one of the duties of the local presidency to which he/she was elected by secret ballot is to serve as convention delegate. Similarly, where a local's by-laws provide that one or more local officers, in addition to the president, is ex-officio a convention delegate, the member duly elected to that office (subsequent to the adoption of such by-law provision) is a qualified delegate without further election.

Members of the International Executive Board are ex-officio delegates to the convention. As International Executive Board members, they will be entitled to speak on any matter and to serve on committees. But, no International Executive Board Member will be permitted to nominate a candidate for office, or to vote on any matter on the convention floor unless he/she has been elected as a delegate from a local, including as an ex-officio delegate.

The following procedures are in many respects essential and in all respects advisable:

Each local should decide promptly whether it proposes to send alternate delegates, and, if so, how many.

A local executive board may decide, for good cause, to send fewer than its full quota of delegates to the convention, but such decisions require the approval of the International Administrative Committee prior to August 20, 2021 [Constitution, Article XI, Section 2(b)]. Written

requests for such approval should be filed promptly in the office of the International Secretary-Treasurer so that, if denied, the local will have adequate time to elect its full quota of delegates.

The U.S. Secretary of Labor has advised that the decision of any local executive board to send fewer than its full quota of delegates to the convention must be approved by a vote of the membership of the Local. Unless so approved by the membership, the decision of the local executive board would be null and void under the Landrum-Griffin Law as interpreted by the Secretary-Treasurer.

Even where the membership does approve, the application to the International Administrative Committee under Section 2(b) of Article XI must be supported by persuasive facts.

Any local of less than 300 members that wishes to elect as its alternate delegate a member of another local, pursuant to Section 4(b) of Article XI of the Constitution, should discuss the appropriate available procedures with the office of the International Secretary-Treasurer.

The rules and regulations that govern the election of convention delegates must be carefully adhered to. You may review the U.S. Department of Labor publication "Electing Union Officers," online at <https://www.dol.gov/agencies/olms/compliance-assistance/elections>.

Each local should set up an Election Committee in the manner prescribed in the local by-laws. No candidate for delegate or alternate should be appointed to or serve on the Election Committee.

Nominations

As soon as convenient, after the International Secretary-Treasurer informs the local of the number of delegates to which it is entitled, the local must give notice to its members of:

- a) The number of delegates and alternate vacancies to be filled.
- b) The time and place of nominations and how made, whether by petition, orally from the floor, or otherwise.

While the law does not require that the notice of nominations be mailed to each member's home, the law does require that the notice "be reasonably calculated to inform all members of the offices to be filled ...as well as the time, place, and form for submitting nominations." The notice must be timed to give the members a reasonable opportunity to make nominations.

Qualifications for Delegate Position

No member shall be elected as a delegate to the convention who has not been in continuous good standing for at least twelve (12) months immediately preceding nomination. In the case of a new local union which has been in existence for less than twelve (12) months prior to the convention, and whose membership is composed of individuals who were not previously members of TWU because the bargaining unit in which they worked was not represented by TWU, no member shall be elected as a delegate to the convention unless he/she shall have been in continuous good standing from the time that he/she joined the local union. In the case of a new local union which has been in existence for less than twelve (12) months prior to the convention and which has been formed from previously existing locals or from individuals who generally were members of TWU immediately previous to formation of the new local, no member of such local shall be elected as a delegate to the convention who has not been in continuous good standing for at least twelve (12) months immediately preceding nomination.

During the period of time that a candidate for a delegate position must have been in good standing for each month in that period, the failure to pay dues on a timely basis due to layoff, illness or injury on duty will be excused if, but only if, the member in question has requested exoneration for the month in question and obtained approval in accord with the procedures set forth in Article XVII Section 4 of the TWU Constitution.

As to each convention delegate from a given local, the local president and local secretary-treasurer will be required to certify that the delegate has been in continuous good standing for the appropriate time period and such certification shall be understood to require personal examination by the two local officers of the relevant facts regarding each delegate's continuous good-standing.

No member shall be eligible for nomination or election to any International office, or to the International Executive Board, unless he/she shall have been in continuous good standing in the International union for at least two (2) years immediately preceding his/her nomination, except that a member of a newly-chartered local which has not been in existence for two (2) years (and whose membership was not formed from previously existing locals or from individuals who generally were members of TWU immediately previous to formation of the new local), shall be eligible for nomination and election if he/she has been in continuous good standing in his/her local union from the date of its charter.

The convention will also determine the date or dates when the nominations and elections for International elective positions will occur. In the past, nominations and elections have not occurred on the first day of the convention.

The Election

Notice of the date, time, place, and method of the delegate(s) election must be mailed to each member of the local at his/her last known home address "not less than fifteen (15) days prior to the election." Twenty (20) days' notice is recommended.

If the election is conducted by mail and no separate notice is mailed to the members, the ballots must be mailed to the members no later than fifteen (15) days prior to the date when they must be mailed back in order to be counted.

A local may comply with the election notice requirement by

publishing the notice in the local's newspaper which is mailed to the last known home address of each member not less than fifteen (15) days prior to the election. Where this procedure is used: (a) the notice should be conspicuously placed on the front page of the newspaper, or the front page should have a conspicuous reference to the inside page where the notice appears, so that the inclusion of the election notice in a particular issue is readily apparent to each member; (b) the notice should specify the time and place of the election and (if other offices are also voted on) the offices to be filled; and (c) a reasonable effort must be made to keep the mailing list of the publication current.

Nominations and elections may be held at the same meeting, unless the local by-laws provide otherwise, but ample time must be allowed so that each member in good standing has the opportunity to make nominations.

A mail ballot may meet the secret ballot requirements of the law, but only if the procedures guarantee that only the votes of good standing members are counted and that the identity of the voter cannot be ascertained. In each local that conducts a mail ballot election, a timely notice should be posted on all union bulletin boards advising each member that his/her failure to notify the financial secretary-treasurer of his/her correct home address may result in the loss of his/her vote.

Each candidate is entitled to have an observer at the polls on the day of election at his/her own expense and also at the counting of the ballots. In the case of a mail ballot election, each observer must be given similar opportunity to observe each of the essential steps in the election.

Should there be an unopposed candidate duly nominated for convention delegate or alternate, such candidate shall be considered elected without the necessity of an election.

Write-in votes shall not be counted.

All election records including ballots should be preserved at least until December 31, 2022.

The election of delegates must be concluded in time for delegate credentials to be received by the International Secretary-Treasurer no later than August 16, 2021 except with the approval of the International Executive Council. The local union officers shall notify the International Secretary-Treasurer, giving the name, home address, membership card number and date of last dues payment of each delegate.

Credentials

The International Secretary-Treasurer shall furnish each Local Union with credential blanks for delegate(s) and alternates in triplicate, which must be attested as required on the blanks. One (1) duplicate shall be retained by the delegate and the other shall be filed with the local union. The original shall be delivered to the local financial secretary-treasurer, and by him/her forwarded to the International Secretary-Treasurer, and no credential shall be accepted by the International Secretary-Treasurer later than August 16, 2021 except with the approval of the International Executive Council. Each credential must be signed by the local president and local financial secretary-treasurer and must bear the seal of the local union.

When any delegate's credentials are to be contested, notice of such contest shall be sent to the International Secretary-Treasurer not later than September 3, 2021.

Resolutions

All resolutions to be considered by the International Convention shall be sent to the International Secretary-Treasurer and be in his hands no later than August 23, 2021. Resolutions from a local union, or a member or members of a local union to be considered by the

convention, shall require approval by the executive board or by the membership of the local union before delivery to the International Secretary-Treasurer. The International Secretary-Treasurer shall submit all resolutions to the chairman of the appropriate committee. Proposed changes to the Constitution shall be submitted in the form of a resolution.

Committees

Prior to the opening of the convention, the International Executive Council shall convene at 9:00 a.m. on September 6, 2021 (and will continue to meet thereafter, as necessary) at the Caesars Palace Hotel and Casino, Las Vegas, Nevada as the Credentials Committee. Appeal from its decisions may be made to the convention.

The convention shall not be constituted for business until the Credentials Committee shall have examined and reported on the credentials of all delegates present at the scheduled time of opening.

Prior to the opening of the convention, the International President shall appoint a Committee on Rules and all such committees as are necessary.

The expenses of each delegate other than members of the International Executive Board shall be borne by the delegate's local union.

Members who plan to be nominated and seek election for an International elective position should be prepared to certify that they have been in continuous good standing for the relevant time period, and that if they did not pay dues during any of the 24 months prior to nomination, the failure was exonerated in accord with Article XVII Section 4 of the TWU Constitution.

All nominations for an International elective position will be made from the convention floor and in accordance with the convention rules which are determined by the delegates at the convention. In the past, these rules have required that a member, to be

nominated, must (1) both be nominated by a delegate (other than the candidate) and receive a second by a different delegate (other than the candidate), and (2) following his/her nomination, accept the nomination in person or in writing (which may be prepared in advance of and in anticipation of the nomination).

Headquarters

1220 19th Street NW, Suite 600, Washington, D.C. 20036 shall be the headquarters of the 26th Constitutional Convention until September 3, 2021. Thereafter, the Caesars Palace Hotel and Casino, Las Vegas, Nevada shall be the headquarters of the convention.

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Twitter: @transportworker
Instagram: @transportworker
Flickr: flickr.com/transportworkersunion

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