

OFFICIAL CONVENTION CALL

NPMHU 2020 NATIONAL CONVENTION | August 11-15, 2020 in Denver, Colorado

This is official notification, pursuant to Article XII, Section 2 of the National Constitution of the National Postal Mail Handlers Union, that the National Convention will be held in Denver, Colorado from August 11 through August 15, 2020 at the Hyatt Regency Convention Center & Hotel.

All Local Unions are entitled to send delegates to the National Convention. Unless the Local Union is to be represented by a single delegate, in which case the Local President may occupy that position if he or she meets the requirements of Article XII, Section 3 of the National Constitution, all delegates must be chosen in an open election governed by rules adopted and promulgated by the National Executive Board.

According to Article XII, Section 5 of the National Constitution, all Local Unions are entitled to a minimum of one (1) vote and therefore one (1) delegate at the Convention, and Local Unions with more than twenty-five (25) regular members are entitled to one (1) vote and (1) delegate for each 25 members or major fraction thereof. The precise number

of delegates which each Local Union actually sends to the Convention is determined by the Local Union Council.

Delegates to the Convention will vote on revisions to the National and Uniform Local Union Constitutions and on resolutions to guide the future policies of the National Union. In addition, the delegates will vote in a series of primary elections to determine which nominees, up to two per National Officer, will be placed on the ballot and allowed to run for National Officer in a final mail referendum election to be held immediately after the Convention, in the fall of 2020. The rules governing the election of delegates to the NPMHU 2020 National Convention, which were adopted by the National Executive Board, are printed in this issue of the Mail Handler magazine.

NATIONAL POSTAL MAIL HANDLERS UNION 2020 NATIONAL CONVENTION

RULES FOR DELEGATE ELECTIONS

(AS ADOPTED BY THE NATIONAL EXECUTIVE BOARD ON JUNE 26, 2019)

Pursuant to Article XII, Section 3 of the National Constitution of the National Postal Mail Handlers Union, the National Executive Board is empowered to adopt and promulgate rules to govern the election of Local Union delegates who will attend NPMHU National Conventions. This document contains the rules applicable to the 2020 NPMHU National Convention, which is scheduled to occur during the week of Tuesday, August 11 through Saturday, August 15, 2020 at the Hyatt Regency Convention Center & Hotel in Denver, Colorado. (These rules are not meant to be binding in Local Union officer elections; those elections are governed by the provisions of the Uniform Local Union Constitution. Nor are they meant to be binding in Local Union elections to select delegates attending the 2021 International Convention of the

Laborers' International Union of North America; those elections are governed by rules to be adopted by LIUNA.)

I. NUMBER OF DELEGATES FOR THE 2020 NPMHU NATIONAL CONVENTION

The Local Union Council of each Local Union shall determine, on or before Friday, November 15, 2019, the number of delegates that the Local Union will send to the 2020 NPMHU National Convention. The maximum number of delegates that each Local Union may send to the Convention is determined by the formula set forth in Article XII, Sections 4 and 5 of the National Constitution: "Local Unions with more than twenty-five (25) regular members shall be entitled to one (1) vote for each twenty-five (25) regular members or major fraction (13/25) thereof." The National Secretary-Treasurer of

OFFICIAL CONVENTION CALL

the NPMHU must be notified of the Local Union Council's determination promptly after it is made by the Council, but in no event later than Friday, November 15, 2019. Each Local President must use the attached form entitled 2020 Delegate Total and Judges of Election Notification form to submit this information to the National Office no later than Friday, November 15, 2019. (See the form attached as Appendix K.) (Because the date by which the Local Union Council must determine the Local Union's number of delegates—November 15, 2019—is before the date for calculating each Local Union's precise allotment of delegates, during the first part of November 2019 the National Secretary-Treasurer will provide each Local Union with an estimate of its maximum number of delegates, by applying the formula contained in Article XII, Sections 4 and 5 of the National Constitution to the first ten months of calendar year 2019. Should the Local Union wish to bring the maximum number of delegates, it must notify the National Secretary-Treasurer of that decision on or before Friday, November 15, 2019. The National Secretary-Treasurer then shall notify the Local Union of the precise number equating to the maximum number of delegates for the Local Union as soon as possible after the end of the 2019 calendar year.)

As provided in Article XII, Section 3 of the National Constitution (and provided that during the election of Local Union officers the notices to regular members stated that by virtue of his/her election as President or Vice President, the officer is automatically a Local Union delegate or alternate [for the President] to all National Conventions conducted during his/her term of office), all Local Union Presidents by virtue of their election by secret ballot, or if unopposed by acclamation, shall be one of the Local Union's delegates to the 2020 NPMHU National Convention.

In the event that a Local Union is to be represented by a single delegate, either because the Local Union is entitled to send only one delegate or because the Local Union Council decides to send only one delegate, the Local President (or the Local Vice President as an alternate for the Local President) shall automatically occupy such position and no separate election of delegates shall be conducted. Such a single delegate may vote in officer elections held during the Convention only if, during the most recent election of Local Union officers, the notices to regular members and/or ballots stated that by virtue of his/her election as Local President or Vice President, the officer is automatically a Local Union delegate or alternate delegate (for the Local President) to all Conventions of this Union conducted during the term of office.

When making the decision about the number of delegates to represent a Local Union at the Convention, the Local Union Council also should be aware of the following constitutional provision, found in Article IV, Section 6(H) of the ULUC, which provides that it is the Local Executive Board's responsibility to determine how the Local's delegates will be compensated and/or reimbursed for expenses:

"The Executive Board shall determine the expenditures related to attendance of delegates elected to represent this Local Union at each National Convention. Such determinations shall be in accordance with Article XII, Section 17 of the Constitution of the National Postal Mail Handlers Union and will be uniformly applied to all Local delegates."

The National Constitution, in Article XII, Section 17, also provides that each Local Union is "responsible for the reasonable living and travel expenses incurred by its delegates."¹

II. NOMINATIONS

Each Local Union shall hold a special meeting to be known as the "Nominations Meeting for the 2020 Delegate Election" on or before Saturday, January 11, 2020, at a particular time and place to be established by the Local Executive Board.

At least thirty (30) -days prior to this Nominations Meeting, notices informing the membership of this meeting shall be mailed to each regular member at his/her last known address. In addition, reasonable efforts shall be made to post the same notice on the bulletin boards maintained by the Local Union at each postal facility where regular members of the Local Union are employed. Such notices shall state the number of delegates to be elected, shall set forth the specific time and place of the Nominations Meeting, and shall inform the members of their right to make nominations by mail, including the time and place for making such mail nominations. (See the sample notice attached as Appendix A.) It is acceptable to satisfy the mailing of this notice by printing the notice of the Nominations Meeting in a prominent location in the Local Union's regular newsletter, provided that the newsletter is mailed to the member's home at least thirty (30) days prior to the scheduled Nominations Meeting.

A member need not be present at the Nominations Meeting to be nominated. Members wishing to nominate themselves

¹ It would be preferable for the Local Executive Board to determine and announce its decision about the compensation and reimbursement of delegates prior to the period for nominating candidates for delegate, so that potential nominees are aware of the rules before determining whether to seek election as a delegate.

or other members as candidates for a delegate position may make such nominations either in person at the Nominations Meeting or by mail. If nominations are made by mail, a letter containing nominations must be received by the Judges of the 2020 Delegate Elections prior to the Nominations Meeting. Members using the mail nomination method must send their nominations by registered, certified, or express mail. All mail nominations must be announced by the Judges at the Nominations Meeting.

III. JUDGES FOR THE 2020 DELEGATE ELECTION

The Local Executive Board of each Local Union shall select the Judges for the 2020 Delegate Election (“Judges”) on or before Friday, November 15, 2019. These Judges shall be selected from among the members in good standing of the Local Union. The Judges must meet the eligibility requirements for being elected a delegate, but also must agree that they will not themselves seek to be a non-automatic, elected delegate to this Convention, and shall not actively campaign for or actively support any candidate for delegate to this Convention. For Local Unions with 1,500 or fewer members, there shall be three Judges. For Locals with more than 1,500 members, there shall be three or five Judges of Elections. After the Judges are selected by the Local Executive Board, the Judges shall assume all further responsibility for conducting the delegate election.

Each Local President must use the attached form entitled 2020 Delegate Total and Judges of Election Notification form to submit the names of the Judges to the National Office no later than Friday, November 15, 2019. (See the form attached as Appendix K.)

IV. CANDIDATE QUALIFICATIONS

After nominations have been closed, the Judges are responsible for determining whether the individuals nominated are qualified to be delegates to the 2020 National Convention. As set forth in Article XII, Section 3 of the National Constitution, in order to qualify as a candidate for delegate, a regular member shall be required to have been in continuous good standing in the National Postal Mail Handlers Union for a period of two years and in continuous good standing in his/her Local Union for a period of two years immediately prior to nomination and current in the payment of dues, and s/he cannot have applied for or been employed in a supervisory or managerial capacity by the Postal Service (including any EAS position involved in discipline of employees or application of the National Agreement) for any time during that period, or by the USPS

Office of Inspector General or the Postal Inspection Service (including as a confidential informant) for any time during that period. The definition of “continuous good standing” in this paragraph incorporates the military waiver language found in the Uniform Local Union Constitution, so that “the disqualification of a candidate for not being a member in continuous good standing for a period of two years immediately prior to nomination shall be waived for members on active military duty in a leave without pay status, provided that the waiver applies only to their period of active military duty.” Moreover, these requirements relating to continuous good standing, payment of dues, and applying for or being employed as a supervisor or manager also must be satisfied during the period from nomination as a candidate for delegate through the adjournment of the Convention.

Any member wishing to protest the eligibility of a candidate must communicate his/her objections to the Judges as soon as possible, but in no case later than five (5) days after the close of the nominations meeting.

The Judges must promptly determine whether the individuals who were nominated are eligible to run, and they must issue a report setting forth their determinations. A copy of the report should be posted on the bulletin boards that are maintained by the Local Union at all postal facilities, and should be provided to each nominee. Included in this report shall be notification to the membership of the approximate date for the mailing of ballots, the procedure to be followed for obtaining duplicate ballots, and the procedure adopted by the Judges to break any ties in the election results. (See the sample report attached as Appendix B.)

Should the Judges determine that any nominee is not eligible to be a candidate, they must state the specific reasons for their determination in a letter to the nominee. (See the sample letters to the nominees attached as Appendices C and D.) Any nominee who is disqualified by the Judges shall be entitled to file an immediate protest of that disqualification with the Judges. The Judges shall attempt to respond to the protest as promptly as possible, and shall communicate their decision to the nominee. (See the sample response to a protest filed by a disqualified nominee that is attached as Appendix E.)

If the number of eligible nominees is the same as, or smaller than, the number of delegates that the Local Union Council previously has determined will represent the Local Union at the 2020 Convention, the Judges shall certify that there is no need for a secret ballot election and instead shall declare all eligible nominees duly elected.

OFFICIAL CONVENTION CALL

V. VOTER ELIGIBILITY

Every regular member in good standing is entitled to vote in the delegate election. A member is in good standing if s/he has complied with the requirements set forth in the Uniform Local Union Constitution.

VI. PREPARATION AND MAILING OF THE BALLOTS

After all nomination protests are resolved by the Judges, the Judges shall determine the number of ballots needed, and shall make arrangements for the ballots to be printed. The official ballots, once printed, shall remain in the custody of the Judges until mailed. (See the sample ballot attached as Appendix F.)

The ballots must be mailed to all eligible voters on or before Friday, February 14, 2020. (See the sample envelope in which to mail ballots attached as Appendix H.) When mailed, the ballots must be accompanied by (1) a copy of the Notice and Instructions for Eligible Voters Concerning Election of Local Union Delegates To Attend 2020 National Convention (see the sample notice and instructions attached as Appendix G); (2) a secret ballot envelope (see the sample secret ballot envelope attached as Appendix H); and (3) a ballot reply envelope (see the sample ballot reply envelope attached as Appendix H). The address on the ballot reply envelope must be that of the Judges for the 2020 Delegate Election, at a post office box that has been rented specifically for the receipt of these ballots. The Judges may not use a post office box that previously has been used for nominations, correspondence, or other matters because no one, including the Judges, should have access to this post office box prior to the designated day for picking up and counting ballots in the presence of observers. (See the sample letter to the postmaster attached as Appendix I.)

During the balloting process, the Judges must ensure that there exists a reasonable procedure to allow members to request a duplicate ballot if their original ballot was not received or their ballot was spoiled while voting. All members requesting a duplicate ballot should be mailed such a ballot, and the ballot reply envelope for any duplicate ballot should be specially marked. The Judges must keep records of all members who requested and were mailed duplicate ballots.

At the pre-established deadline for the receipt of ballots, which must be on or before Monday, March 23, 2020 (but in no event less than thirty (30) days after the mailing of the ballots), all ballots must be picked up from the Post Office Box by the Judges, with an opportunity for properly appointed observers to be present. The Judges thereafter shall proceed to check the name or other information on each ballot reply envelope against the list of eligible voters, to determine voter eligibility.

The only legal requirement during this delegate election is that the name of the voter or other identifying information sufficient to allow the Judges of Election to verify each voter actually appear on the ballot reply envelope. The other information requested on the ballot reply envelope is to ease the identification of eligible voters only. The ballot reply envelopes then should be opened and segregated, and all secret ballot envelopes must be mixed thoroughly to prevent any possibility of identification. Thereafter, the secret ballot envelopes should be opened, and the ballots counted. It is the responsibility of the Judges to ensure that all ballots are counted if they indicate the voting preferences of an eligible voter (e.g., if a member is allowed to vote for seven candidates, and the member votes for six candidates plus one write-in candidate, the six votes should be counted; conversely, if a voter is eligible to vote for seven candidates, and the member votes for eight or more candidates, then that ballot must not be counted).

The number of candidates receiving the highest number of votes – equal to the number of delegates to be sent by the Local Union to the 2020 National Convention, as previously determined by the Local Union Council – shall be declared elected. Candidates who are not elected, but who received the next highest number of votes, shall be declared alternates, with the candidate receiving the most votes (other than the elected candidates) declared the first alternate, the candidate receiving the second most votes (other than the elected candidates) declared the second alternate, and so on. The naming of these alternates is necessary so that the Local Union knows who will serve as a delegate if, for some reason, an elected delegate is unable to attend the Convention. In the event of a tie between two or more candidates receiving the largest number of votes for the final delegate position, a neutral tie-breaking procedure adopted and announced in advance of the election by the Judges of Election may be used to break the tie.² If no such procedure is adopted in advance, and absent mutual agreement by all candidates involved in the tie for the final delegate position, a runoff election will be held among the tied candidates only.

VII. AFTER THE BALLOTS ARE COUNTED

Upon completion of the election, the Judges shall certify the results of the election and shall take reasonable steps to ensure that these results are promptly posted on the Local Union's bulletin boards at each postal facility in which regular members of the Local Union are employed. Such notice shall account for the total number of ballots cast and shall state the number of valid votes cast for each candidate. (See the sample notice attached as Appendix J.)

Immediately after certifying and posting the results of the election, and in any event no later than Wednesday, March 25, 2020, the certified results of the election must be forwarded to the National Secretary-Treasurer at the National Office. Along with the copy of the certified results of the election, the Judges also must complete and submit to the National Secretary-Treasurer the attached form entitled Notice to National Office of Elected Delegates to 2020 National Convention (see the form attached as Appendix L); this form shall include the USPS Employee Identification Number (EIN) for each elected delegate and potential alternate delegate, which will allow the National Office to ensure that it is accurately processing delegate credentials and other correspondence related to the 2020 Convention.

All envelopes and ballots, together with all other records pertaining to the election (including, but not limited to, all unmarked ballots, envelopes, voter lists, and tally sheets) must be preserved by the Judges at the Local Union offices for at least one year from the date of delegate certification.

VIII. RIGHTS OF CANDIDATES

Each candidate may join a group of candidates running as a slate. Any group of candidates running as a slate shall be entitled to be identified on the ballot as members of a designated slate provided that written notice is given by each such candidate to the Judges of Election no later than 10 days prior to the scheduled date on which the ballots are to be mailed. Each individual voter, however, must be allowed to choose among individual candidates if s/he does not wish to vote for

² While the Judges are not required to adopt and announce a tie-break procedure in advance of the election, it may be prudent to do so to prevent the need for a costly and time-consuming runoff election in the event that the ballot count results in a tie for the final delegate position, and the tied candidates cannot mutually agree on a tie-break procedure. The following language might be considered by the Local Judges of Election as an acceptable tie-breaking procedure to adopt and announce in advance of the election:

“In the event of a tie between two or more candidates receiving the largest number of votes for the final delegate position, the Local Judges of Election have adopted the following procedure to break the tie: If there are only two candidates in a tie vote for the final delegate position, those candidates (or their designated observer) will participate in a “heads or tails” coin toss to determine the final delegate. If more than two candidates are tied for the final delegate position, each candidate (or their designated observer) will roll a pair of dice, with the candidate receiving the highest numerical roll appointed as the final delegate. This dice roll also will determine which of the tied candidates will be designated as the first alternate delegate, etc.”

an entire slate, and the voting instructions must specifically inform the voter that s/he need not vote for an entire slate. In other respects, slate voting should be implemented by the Judges of Election in a reasonable manner that is consistent with the basic requirement of fairness in the election.

Each candidate is entitled to an observer (or, if approved by the Judges as necessary, multiple observers) appointed from among the members of the Local Union who may be present at the preparation and mailing of the ballots, their receipt from the post office and the opening and counting of the ballots, to ensure that the rights of the candidate on whose behalf s/he serves are protected. A candidate may designate him/herself to serve as an observer. Upon qualifying each candidate, the Judges shall notify each candidate of his/her right to have an observer present at all times during the conduct of the election and shall give reasonable notice to the candidate or his/her observer, if known by the Judges, of the time and place of each phase of the balloting process. This provision shall apply regardless of whether the election is conducted by this Local Union or by an outside organization or agency.

Each candidate shall be entitled to send uncensored campaign materials at his/her expense utilizing any special mailing privileges available to the Local Union. All candidates shall be treated equally with respect to the expense of such mailing which shall not exceed the actual cost incurred by the Local Union to handle the mailings.

Any regular member in good standing of a Local Union who desires to protest the manner of selecting a delegate or delegates to the National Convention from his/her Local Union must file a protest with the National President by forwarding a copy of such protest to the National President not later than thirty (30) days after the Local’s delegate election has been certified by the Judges. The National President will acknowledge such protest and advise the member as to the manner in which such protest will be considered by the Credentials Committee appointed pursuant to Article XII, Sections 9, 11, 12, and 13 of the National Constitution.

IX. EXCEPTIONS

A Local Union that will be conducting an election of Local Union officers during the period running from January 2020 through March 2020 may request an adjustment to the schedule that is otherwise established by these rules. Such requests must be submitted, in writing, to the National Executive Board, through the National Secretary-Treasurer, no later than Thursday, October 31, 2019. Only those exceptions granted by the NEB, in writing, may be followed by the Local Union.