



Transport Workers Union of America, AFL-CIO

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"AMERICA'S FIGHTING DEMOCRATIC UNION"

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February 9, 2021

Dear Brothers and Sisters:

The **Twenty-Sixth (26th) regular T.W.U. International Convention** is scheduled to convene on **Monday, September 13, 2021** and continue through **Friday, September 17, 2021**. Even though this is still months away, each Local should soon begin preliminary preparations, especially regarding Convention delegate issues.

Locals and members should all be assured that the International is highly conscious of and sensitive to the situation regarding COVID. Be assured that delegate safety is our first priority, and that we will take all steps to assure it, including making adjustments in the manner in which the Convention proceeds in accord with governmental guidelines and the best medical advice available. You will receive notice of such adjustments as soon as they may be adopted.

Our Constitution requires that **all delegate credentials must be delivered to my office no later than twenty (20) business days prior to the opening date of the Convention - that means the delegate credentials must be delivered to my office by August 16, 2021 at the latest.** For that reason, some Locals may decide to hold their election of delegates prior to the summer months, especially those Locals which do not hold meetings during July and August.

Since the regular International Convention is the supreme authority in our Union, all applicable rules must be carefully followed in the choosing of delegates. Their selection is governed not only by our International Constitution and the applicable Local By-Laws, but also by the Landrum-Griffin Law (the Labor-Management Reporting and Disclosure Act).

The following guidelines apply:

My office will advise each Local Union as soon as possible after the issuance of the Official Convention Call of the number of delegates to which the Local is entitled (*Article XI, Sections 2(a) & 3*). We expect that the Official Call will be sent out in April.

Each Local with 300 credited members or less is entitled to **one (1) delegate** who is the elected Local President (*Article XI, Section 2(a); Article XVI, Section 1*).

A Local Union need not send to the Convention the full number of delegates to which it is entitled: "In any Local, the Local Executive Board may decide for good cause to send fewer than its full quota of delegates to an International Convention, but such decision must be made and have the approval of the International Administrative Committee not less than fifty (50) days prior to date for convening the Convention" (*Article XI, Section 2(b)*). *Any Local Union choosing to send fewer than its full quota of delegates needs additionally to secure approval*

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of its decision through a membership vote prior to submitting its decision for approval to the International Administrative Committee. A Local does not necessarily lose voting representation at the Convention by sending fewer delegates than the number to which it is entitled; in the event of a roll-call vote, the delegates from a Local who are seated divide the Local's voting strength between them, to a maximum of ten (10) votes per delegates, Article XI, Section (2)(c).

Each Local should decide immediately whether to send alternate delegates and, if so, how many. In order that we may provide sufficient seating, please advise us as soon as possible the number of alternates the Local expects to send.

The Landrum-Griffin Law precludes the seating of any delegate or alternate who is not elected by secret ballot. The elected Local President does **not** have to be specially elected as a delegate because one of the duties of a lawfully elected President is to serve as Convention delegate (*Article XVI, Section 1*). Also excepted from the requirement of a separate election as a Convention Delegate is for Local Officers or others who are ex-officio delegates to the Convention pursuant to Local By-Laws.

Members of the International Executive Board are ex-officio delegates to the Convention. As an IEB member, they will be entitled to speak on any matter and to serve on committees, but no IEB member will be permitted to vote on any matter before the Convention unless he or she is an elected Local Union President, is another elected Local Officer (where the TWU Constitution and Local By-Laws provide that such Officer is to serve as a Convention delegate), or has been elected as a delegate from a Local (*Article XI, Section 8*).

To qualify to be nominated and elected as a delegate or alternate, a member must be in continuous good standing for a period consisting of the twelve (12) months immediately preceding nomination, see Article XI Section 7 and Article XV Section 3; in addition, a victorious candidate may serve as a delegate only if he or she maintains continuous good standing membership through the beginning of the Convention, see Article XIII Section 4. It is thus important for your Local to keep in mind the fact that the requirement for election as a delegate to the Convention is for CONTINUOUS good standing for a period of twelve months preceding nomination, as well as continued good standing through the beginning of the Convention. A more complete description of the twelve-month continuous good-standing requirement will be included in the Official Convention Call.

I do, however, want to address in this communication one issue that has generated inquiries: how does the twelve-month continuous good-standing requirement apply to individuals who may have missed a month or more of dues payments because they were not working - for reasons related to illness, injury or layoff? Briefly stated, the failure to pay dues on a timely basis due to layoff, illness or injury may be excused for certain limited periods of time, **but only if** the member in question has requested and obtained exoneration for the month or months in question in accord with Art. XVII, Section 4 of the TWU Constitution; if the member has failed to pay his/her dues in a timely fashion during all twelve months prior to nomination without being exonerated from dues payment, he or she is ineligible to be nominated and elected as a delegate. Please review Article XVII Section 4 of the TWU Constitution regarding the rules governing the exoneration process.

Nomination and Election Procedures

(The following does not apply to Locals of 300 members or less who are not selecting alternate delegates. Their elected Presidents are their delegates. But if any such Local decides to send an alternate, then it must follow the proper procedure in nominating and electing such alternate delegate).

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

Second: 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.

Third: As soon as reasonably convenient, after the International Secretary-Treasurer informs the Local of the number of delegates to which it is entitled, a notice of nomination and election should be **mailed** to each member in good standing.

The notice should state:

(a) The number of delegate and alternate delegate vacancies to be filled.

(b) The time and place of nomination and how made, whether by petition, orally from the floor, or otherwise.

(c) The date, time, place and method of election.

Under no circumstances may the election be held less than fifteen (15) days subsequent to the date on which the notice is mailed.

If only one candidate is nominated for Convention delegate or alternate - or if in a Local entitled to two delegates, only two are nominated (and so on) - a secret ballot election is not necessary (*Article XII, Section 6*).

A mail ballot may meet the secret ballot requirements of the law, but only if the procedures guarantee that the identity of the voter cannot be ascertained. The voting instructions accompanying the ballot should emphasize that the voting member should not write anything or make any mark on the envelope in which the marked ballot is inserted.

In any mail ballot election, the Election Committee should rent a Post Office Box for the return of the marked ballots and a separate Post Office Box for the return of undelivered mail.

Each candidate is entitled to have an observer at the polls on the day of election at the candidate's own expense and also at the counting of the ballots. In the case of a mail ballot election, each observer must be notified so that the observer can accompany the Election Committee to the Post Office to pick up the ballots, and the ballots should not be removed from the view of the observer until after the count has been completed.

All election records, including ballots, should be preserved at least until **October 1, 2022**.

In the case of a mail ballot election, some envelopes may be returned to the Election Committee because of incorrect addresses. These returned envelopes must be carefully preserved. If the Election Committee ascertains the member's correct address, the original envelope mailed to that member and returned should be opened and carefully preserved, and its contents mailed in a new envelope to the member at the new correct address.

In each Local that conducts a mail ballot election, notices should be posted on all union bulletin boards advising each member that failure to notify the Financial Secretary-Treasurer of his or her correct home address may result in the loss of his or her vote. After the notice of nomination and election is mailed, Local Financial Secretary-Treasurer should establish a list of incorrect addresses and the Local Officers should make a particular effort to contact these members.

Note that the Landrum-Griffin Law requires that all election mailing be sent to the member **"at the member's last known home address."**

Finally, another reminder that all delegate credentials must be delivered to the International Secretary-Treasurer not later than twenty (20) business days prior to the opening of the Convention, which means the delegate credentials must be delivered by August 16, 2021.

The foregoing instructions are intended to be used as a guide. If you have any questions, please send them to me in writing to jlafragola@twu.org; I will respond in writing (written communications between us may avoid some of the confusion resulting from telephone communications).

In Solidarity,



Jerome Lafragola
International Secretary-Treasurer

JL:tt opeiu-153

cc: John Samuelsen
Alex Garcia
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