

PART II: LOCAL OFFICERS

1. Local Authority Duties and Obligations

Under CWA Constitution, Article 13, Section 9 The authority, duties and obligations of chartered Locals, their officers and members, in addition to those otherwise set forth in the Constitution or in their respective Bylaws and rules, shall be:

- (a) To represent the workers in their respective jurisdiction relating to Local matters;
- (b) To actively implement all Union Programs and carry out the policies established by the District, State or Area meeting at which it is required to be represented;
- (c) To abide by the Constitution, the decisions of the Convention, the Executive Board of the Union and the decisions resulting from the referendum procedure;
- (d) To adopt Bylaws and Rules not inconsistent with this Constitution and to repeal, amend, or modify such Rules and Bylaws as may be inconsistent therewith, voluntarily, or at the direction of the Executive Board of the Union, subject to the right of appeal to the Convention. As provided more fully in Article IX, Section 7, commencing immediately after the 2011 CWA Convention, all appeals pending in non-Convention years may be heard and resolved by delegates to a Local President's Meeting;
- (e) To establish and maintain actively functioning organizing, education, legislative-political, community services, women's equity, and such other committees as may be necessary to effectuate the policies of the local, the Union and the District, State or Area;
- (f) To participate actively in the political and legislative processes on a city, state, provincial and national level, with special regard to legislation affecting the

welfare of the members, and do all things reasonable and necessary to accelerate the adoption of laws which may be beneficial and to encourage defeat or cause the repeal of laws which may be detrimental to the workers;

(g) To respect picket lines of any Local of the Union engaged in a strike authorized and conducted in accordance with this Constitution;

(h) To provide for the bonding of Local Officers and other persons who handle Union funds and property;

(i) To hold Local meetings at such time, place and frequency as the members may decide by vote;

(j) To hold Local elections by secret ballot with provision of reasonable opportunity for all members to vote in accordance with the Bylaws or Rules established by the Local and this Constitution;

(k) To elect by secret ballot delegates and alternate delegates to the Union Convention as provided in this Constitution and to designate the Chair of such delegation;

(l) To establish a quorum and other rules of conduct of Local meetings;

(m) To maintain adequate files and records and have made an annual audit of the financial records of the Local by competent persons; make available Local financial statements to the membership at least annually; furnish to the Union's Secretary-Treasurer in acceptable form, an annual financial statement;

(n) To furnish the Vice President and Secretary-Treasurer of the Union with copies of Bylaws and Rules of the Local and copies of revisions as they may be made;

(o) To require participation of all Local officers and stewards in appropriate training schools and programs;

(p) To establish a program designed to keep rank and file members informed of Union activities;

(q) To process grievances through the step below the top level of the grievance procedure preceding arbitration, where applicable;

(r) To represent the members of the Local at all District, State or Area Meetings, and at quarterly meetings of Local Representatives with their International Staff, at such times and places as may be set by the Vice President, or the Vice President's accredited representative;

(s) To maintain an active internal membership development program; (t) To maintain an active organizing program and budget monies to support the Local's efforts as well as assisting the Union in reaching a goal of 10% of resources to be spent on growth.

(u) To do all other things necessary for the proper disposition of matters which may come before the Local for consideration.

2. Fiduciary Responsibilities

LOCAL OFFICERS - FIDUCIARY RESPONSIBILITY

Every Local Officer stands in a fiduciary position with respect to the Union and its members. The sources of that fiduciary position are the:

- Labor and Management Reporting and Disclosure Act (LMRDA)
- CWA Constitution
- Local Bylaws
- Union and Local Policies
- Local Union Credit Cards – Beware!

Generally, a Local officer's fiduciary responsibilities require him or her to hold the assets of the local in trust, to see that the Local's money is spent only for a proper purpose and to account for all expenditures of the Local's assets. **It is important to note that all officers are held accountable, not just the Treasurer.** Local Officers should familiarize themselves with the duties required of them.

LMRDA

The Labor Management Reporting and Disclosure Act provides that "officers, agents, shop stewards, and the other representatives of a labor organization," occupy positions of trust in relation to the union and its members and imposes five particular duties of such persons. Thus, an officer of a Local is required:

- To hold its money and property solely for the benefit of the organization and its members;
- To manage, invest and expend its money and property in accordance with its Constitution and Bylaws and any resolutions of the governing bodies adopted thereunder;
- To refrain from dealing with such organization as an adverse party in any manner connected with his or her duties;
- To refrain from holding or acquiring any pecuniary or personal interest which conflicts with the interests of the organization; and
- To account to the organization for any profit received by him or her in whatever capacity in connection with transactions conducted by him or her under his or her direction on behalf of the organization.

CWA CONSTITUTION

In addition to the duties set forth in the law, a Local Officer's fiduciary responsibilities are further defined by the CWA Constitution. The Constitution in Article XIII, Section 11, declares that the Local's assets "shall be considered a trust fund of the union to be held and administered" by the Local for the membership. In Section 9 of Article XIII, the Constitution imposes specific duties. They are:

- To maintain adequate files and records;
- To have an annual audit of the financial records of the Local prepared by competent persons.
- To make financial records available to the membership at least annually;
- To furnish to the union's Secretary-Treasurer an annual financial statement; and
- To provide for the bonding of Local Officers and other persons who handle union funds and property.

LOCAL BYLAWS

Local Bylaws generally set forth additional duties of Local Officers. For example, a Local's Bylaws may require the Treasurer to issue payments only upon review and approval of proper documentation indicating the purpose and amount of the expense.

UNION AND LOCAL POLICIES

In addition to its Bylaws, a Local may also have established policies or rules concerning the financial administration of the Local. For example, a Local may have a policy by which it will reimburse an officer or member only for actual lost wages when engaged in union business. Payments in this Local to an individual for time spent on union business, but for which no wages were actually lost, may trigger a finding of a breach of fiduciary responsibilities.

BREACH OF FIDUCIARY RESPONSIBILITIES

The consequences for a Local Officer's breach of his or her fiduciary responsibility can be severe. An officer may be held personally liable for losses sustained by the Local or union as a result of a breach of fiduciary duties. Moreover, the LMRDA provides that an officer who embezzles, steals or otherwise converts Local funds or assets to his or her own use may be fined in an amount up to \$10,000 and/or imprisoned for up to five years.

3. Local President Duties and Responsibilities

The President is ultimately responsible for the conduct of all Local business. The responsibilities of the President are to:

- Assume direct responsibility for internal organizing.
- Engage in and supervise collective bargaining as needed.
- Make worksite visits.
- Provide communication link between members and the International.
- Perform all duties as required by the CWA Constitution and Local Bylaws.
- Execute all Local programs as established by the membership.
- Lead the Local.
- Conduct all Local business.
- Plan and Chair membership meetings and Executive Board meetings.
- Set specific goals for the year with input from other officers.
- Prepare a budget in consultation with other officers, which supports and reflects specific goals for the year.
- Foster an organizing culture and identify external organizing leads.
- Supervise work of all officers and committees.
- Have working knowledge of contract(s) -- check with district staff for interpretations.
- Supervise all grievances.
- Approve expenditures
- Develop new leadership within Local.
- Involve other officers in Local decision-making.
- Operate as a member of a team -- as well as lead that team.
- Share information with other officers.
- Get members involved in the union.
- Represent the Local to employer, community leaders and media.

4. Local Treasurer Duties and Responsibilities

Protecting the funds and assets of the Local is the fundamental job of the Treasurer. The responsibilities of the treasurer are to:

- Maintain an updated and accurate membership database.
- Perform all duties as required by the CWA Constitution and Local Bylaws.
- Prepare budget in consultation with other officers.
- Maintain financial records.
- Receive funds due to the Local, including dues payments from the International, cash dues, initiation fees, etc.
- Handle expenditure of funds.
- Secure authorization, documentation and explanation for all expenditures.
- Reconcile and keep bank account records.
- Report on finances to Executive Board and membership.
- Furnish financial statement to International.
- Maintain records on employees.
- Prepare Forms W-4, W-2, W-3, I-9.
- Prepare Forms 1099, 1096.
- Prepare and reconcile accounts (i.e. QuickBooks).
- Meet Federal Report requirements.
 - LM reports
 - Form 990
 - Unemployment Compensation Form 940
 - Quarterly tax report Form 941
- Meet state, county, city report requirements.
- Arrange for annual audit.
- Handle bonding coverage.
- Manage Local's assets.
- Invest Local funds consistent with sound accounting practices and policies of the Local.

a. CHECKLIST OF DOCUMENTS

When you take office, review this list to make certain that you have the following documents. Make them part of your permanent records. Some of these items may not apply to your Local.

RECEIVED	ITEM
_____	CWA Constitution (most current one)
_____	Local Union Bylaws (most current one)
_____	Local Operating Practices or Standing Rules
_____	The Uniform Operating Practices Manual (UOPM)
_____	Local Union Employer Identification Numbers EIN: _____
_____	Local Union LMSA File Number with the Department of Labor LMSA File Number: _____
_____	Copy of the Blanket Tax Exemption IRS Letter
_____	Local Union Checkbook(s) Account Number(s): _____
_____	Local Union Savings Account(s) Account Number(s): _____
_____	Money Market Certificates Account Number(s): _____
_____	Vouchers (for past five years)
_____	Local Budget (most current and previous years if available)
_____	Financial Report(s) To Membership (most current)
_____	Annual Local Financial Statements
_____	Key to Local Safety Deposit Box
_____	Fixed Asset Inventory
_____	Current Fiscal Year General Ledger (i.e. QuickBooks)
_____	Past Years' General Ledgers (for past five years)
_____	Current Fiscal Year Journals (which include): <ul style="list-style-type: none">• Cash Receipts• Disbursements• Petty Cash
_____	Past Years' Journals: <ul style="list-style-type: none">• Cash Receipts• Disbursements• Petty Cash

RECIEVED

ITEM

- _____ Past Years' Payroll Cards
- _____ Current Fiscal Year Cancelled Checks and Bank Statements
- _____ Past Years' Cancelled Checks and Bank Statements (for past 5 years)
- _____ Current Fiscal Year Payments
- _____ Current Fiscal Year Bills
- _____ Past Years' Bills

Insurance Policies:

- _____ Workers Compensation
- _____ Liability
- _____ Casualty and Liability
- _____ Fidelity Bond---Amount: \$_____
- _____ Other:
- _____ Copy of the Mortgage/Lease
- _____ Copies of ALL Audit Reports
- _____ All IRS Reports of ___ W-2's ___ W-3's ___ W-4's
_____ 990's ___ 990N's ___ 990-T's
_____ 940's ___ 941's ___ 1096's ___ 1099's
- _____ Department of Labor Reports (either LM-2, LM-3 or LM-4's)
Locals comprised entirely of public employees are not required by law to file LM reports.
- _____ All State and Local Tax Bills and Receipts of Payments
- _____ Copy of Labor-Management Reporting and Disclosure Act, (LMRDA) as Amended 1959
- _____ Other:
- _____ Other:

5. Local Secretary Duties and Responsibilities

The duties and responsibilities of the Secretary are to:

- Perform all duties as required by the CWA Constitution and Local Bylaws.
- Maintain a up to date and accurate membership database.
- Record minutes of all Local meetings.
- Maintain files:
 - Membership
 - Reports
 - Grievances/Arbitration cases
 - Correspondence
- Furnish International and District with proper records and reports as required.
- Handle correspondence.
- In cooperation with Treasurer, implement budget.
- Inform President and (Executive) Vice President of changes in International and/or District procedures.
- Remind President of items for agendas of meetings.
- Cooperate with other officers in furnishing proper reports to government.
- Become involved in Local decision-making processes.
- Work as a member of the Local Officers' team.

a. MINUTES

Purpose

Minutes are the official, permanent record of the activities and official actions of the Local and must be taken at all meetings whether Executive Board, Local committees or membership. Minutes also serve as a reminder to members of what went on at the last meeting. They should be retained indefinitely in the Local files since they may be necessary to substantiate Local actions at some future date. Minutes need not be word for word, but must be clear and accurate so that when they are referred to at a later date there is no doubt what action the members took (or didn't take) regarding the business brought up.

Minutes must be record motions and actions, such as:

- Committing the Local to a particular policy.
- Committing the Local to a particular course of action.
- Authorization to spend Local funds.
- Approval of membership action.
- Approval of Bylaw amendments.
- Officer elections.
- Committee recommendations.
- Trial Court hearings, etc.

Writing Minutes

After a little practice, most Secretaries find taking minutes fairly easy.

Take notes during the meeting. Have a copy of the agenda in front of you as a guide.

Rewrite the minutes as soon as possible; if you are not sure how it sounds, read it aloud to yourself.

The final copy of the minutes should be kept in a bound book. Minutes for different kinds of meetings should be kept in different books.

If a correction is made in the minutes at the next meeting, the Secretary writes the correction at the end of the minutes and initials it.

Minutes Include:

- Name of organization (Communications Workers of America, Local 0000, for example).
- Kind of meeting (regular, special, Executive Board, etc).
- Date and time of meeting.
- Place of meeting.
- Chair of meeting; roll call or officers with absentees noted.
- Quorum of members present.
- Action taken on minutes of last meeting.

- Brief summary of reports of committees, delegates, officers and others, including financial report - show what action, if any was taken on reports.
- Wording of every motion and action taken that comes to a vote must be included along with a note explaining whether it was passed or rejected. **(This is very important).**

The Secretary must get correct wording of the motion; ask the Chair to repeat the motion if in doubt.

It is not necessary to write up discussion on a motion; some secretaries summarize debate on important motions.

Names of members making motions should be reported.

Minutes Do Not Include:

The Secretary should not include personal opinions or evaluations. Such phrases as "a brilliant suggestion," "very heated discussion" or "an able report" do not belong in the minutes. The Secretary is a recorder of events, not an interpreter of sentiment.

b. LOCAL FILING SYSTEM

A simple filing system is absolutely necessary in conducting the Local business. Several types of files are needed.

Action File

An action file should be kept by each Local Officer.

All matters which require attention or action should be kept in these files until the problem is solved or appropriate action taken. Nothing on such matters should be transferred to the regular files until the problem is solved or appropriate action is taken.

Some Locals have purchased red folders for use as action file folders. A red folder is easier to spot and keep track of on a busy desk.

Follow-Up File

Copies of communications sent by the Local which require a reply should be placed in a file for follow-up action.

This file should be a folder, indexed by number from 1 to 31, representing the days of the month.

The copies should be placed under the appropriate date, usually ten days after the communication is sent, to allow reasonable time for the recipient to answer.

This file should be checked every day and a reminder communication sent if a reply is not received after a reasonable wait.

Correspondence File

The purpose of filing is to keep letters and records which the Local may need in the future. It is not necessary to keep every piece of correspondence or every leaflet received.

Experience has shown that a subject file system works best for most Locals. This is a system in which letters are filed according to the subject discussed. For example, a letter on pensions is filed under "pensions."

Correspondence files, such as these, are the property of the Local. When a secretary goes out of office, files should be turned over to the new secretary immediately.

Grievance File

Every Local should keep a file of grievances. This file may be kept according to the date the grievance was written or by the subject of the grievance (seniority, overtime, wage rates, safety, etc.)

Arbitration File

A file should also be kept on every arbitration case, containing all the background materials, briefs, etc.

ELECTRONIC FILE RECORD KEEPING

So much of what we do today is electronic that we need a plan to organize electronic files similar to the way we organize paper files.

There are numerous benefits of an organized electronic filing system. Here are some of the reasons to get your computer files in order:

- Saves you time when you can find what you need quickly and easily, even years later.
- Easy to maintain.
- Helps you be more productive.
- Saves physical storage space and money by reducing the number of filing cabinets and office floor space needed.
- Uses your time more efficiently by reducing the time you spend retrieving and re-filing physical records.

Tips to organize your electronic record keeping:

1. Make sure that the electronic filing system meets the needs of the Local and all documents have a place in the system.
2. Mirror your paper folders using the same headings and topics as your paper system. The more similar the two systems, the better.
3. Be consistent about naming your files. Set up files, folders and subfolders that everyone will find meaningful and easy to understand.
4. Limit the number of clicks to three: file, folder and subfolder. There is no need to go any deeper. Note: whatever filing name system you choose, it needs to match your needs and/or the Local's needs.
5. Use a hierarchal system to organize files. Group all projects and files relating to a particular project, person or thing together instead of using separate folders. For example, a hierarchy for a grievance file folder might look like this:
 - a. File: Grievances
 - b. Folder: Individual Member's Names
 - c. Subfolders: Descriptive topic names such as: suspension, discharge, overtime, etc.
6. Use the same format for dates. The key is to be consistent.
7. Add as much information into the file name as possible so it will not be necessary to open it. Be descriptive. An example of a subfolder under suspension might be: AT&T Joe Smith Nov 2015. Don't just put in "grievance."
8. If others also work on the document, add your initials at the end.
9. Avoid abbreviations and codes that are not immediately obvious to everyone.
10. Delete previous revisions once document is final.

11. Create a records retention schedule based on function and date to ensure that outdated electronic documents are disposed of when they are no longer needed.
12. Be ruthless about the documents you save. The more data on the computer the more difficult it is to find necessary documents.
13. Move frequently-used files to the top of the file folder list by adding an “a” or “!” (any symbol works) at the beginning of the file name.
14. File as you go. Do not wait until you have a long list.
15. Develop a system for regularly backing up files. (example – backup to a portable hard-drive or to an encrypted cloud storage option). **THIS IS VERY IMPORTANT.**
16. Regularly change passwords on protected files, if necessary.
17. Scan your paper files into pdf format files, if possible, to eliminate the need for paper storage.

OTHER FILES

Other files the Local may wish to maintain for bargaining or grievance purposes are:

- Copies of employer notices regarding hours, policy, vacation, etc.
- Reports published by the employer on the insurance plan, number of pensioners, etc.