REPORT OF THE
CONSTITUTION COMMITTEE
TO THE
77th CONVENTION

The Constitution Committee met in the city of Washington, D.C. beginning June 3, 2019, for the purpose of reviewing and considering proposed amendments to the CWA Constitution.

The Constitution provides under Article XVI, Section 2, that the Constitution Committee is “charged with the duty of considering and reporting to the Convention and to the Executive Board on proposals to change the Constitution.” Article XXVIII, Section 2 & 3, provides that amendment’s submitted to the Constitution Committee sixty (60) days or more in advance of the Convention will require a majority vote of the Delegates present to be enacted. All other amendments to the Constitution proposed at the Convention shall require a three-fourths (3/4) vote of those voting to effectuate such proposed amendments, but in no event shall the three-fourths (3/4) vote of those voting thereupon be less than a majority vote of the approved delegates at the Convention.

This report sets forth all proposed amendments that have been received by the Committee to date. A strikeout denotes deletion of language; boldface and underlined type denotes insertion of new language. Each proposal in this Preliminary Report will require a majority vote of the delegates at the Convention to be enacted.
1. **Amend Article V, Section 6(d)**

(d) A Council Executive Board shall be elected which will consist of two representatives from each of the CWA Districts and two representatives from each of the Sector/Division members who shall be elected from the Media Sector (consisting of the Printing, Publishing and Media Workers Sector, NABET-CWA and TNG-CWA), the IUE-CWA Division, the AFA-CWA Sector, and the Public, Healthcare and Education Workers Sector. The District representatives on the Council Executive Board shall be elected by secret ballot among the Council Lifetime members within the appropriate CWA District. The Sector and Division representatives shall be elected by secret ballot among the Council Lifetime members who retired from the Media Sector (consisting of the Printing, Publishing and Media Workers Sector, NABET-CWA, and TNG-CWA), the IUE-CWA Division, the AFA-CWA Sector, and the Public, Healthcare and Education Workers Sector. Of the two elected Representatives one shall be known as District or Sector President and one shall be known as District or Sector Vice President. Terms of office shall be consistent with those of International officers. The elections shall be conducted in accordance with Council bylaws, federal and provincial laws and this Constitution. Any challenge to the Council Executive Board elections or Council officers’ elections shall be resolved in accordance with the Council bylaws.

2. **Amend Article IX, Section 1(d)**

(d) The Printing, Publishing & Media Workers Executive Officer;

3. **Amend Article IX Section 2(c)**

(c) Notwithstanding paragraph (a) or Article XV, Section 2(e), if a vacancy should occur among the Vice Presidents or PPMWS Executive Officer at least one year prior to the start of the next regular Convention, such vacancy shall be filled by means of a special election of a successor for the balance of the unexpired term. Such election shall be conducted by the Secretary-Treasurer within 60 days after the date of the start of the vacancy, under rules approved by the Executive Board. Ballots shall be cast by the presidents of the eligible locals, carrying the voting strength that such locals were assigned at the last regular Convention.

4. **Amend Article XII, Section 7**

Section 7—CWA Printing, Publishing and Media Workers Sector Executive Officer
The President of the Printing and Media Workers Sector of CWA (PPMWS) shall also be the CWA Printing, Publishing and Media Workers Sector Executive Officer, who shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions with the units of the Printing, Publishing and Media Workers Sector.

The PPMWS Executive Officer shall:

(a) Act under the direction of the President and perform such administrative and constitutional obligations as may be assigned by the President or the Executive Board;

(b) Recommend to the President the employment of such personnel as may be required;

(c) Recommend to the President that services of such personnel as may be assigned to the PPMWS Executive Officer be terminated for cause;

(d) Supervise full-time and part-time personnel as may be assigned to the PPMWS Executive Officer and employ and terminate the employment of clerical forces subject to the limitations of the budget;

(e) Preside at meetings;

(f) Hold no other office in the Union and shall not be engaged in any other employment. The PPMWS Executive Officer shall receive the annual salary established for the office of the PPMWS Director by the Convention.

Renumber Sections 8-13 to 7-12

Amend Article XV, Section 2

Section 2—Vice Presidents and PPMWS Executive Officer

(b) The duly elected President of the Printing, Publishing and Media Workers Sector of CWA shall be the CWA Printing, Publishing and Media Workers Sector Executive Officer and shall be elected in accordance with the Sector Bylaws and the CWA Constitution. The duly elected President of the TNG-CWA Sector shall be the TNG-CWA Sector Vice President and shall be elected in accordance with the CWA Constitution and the merger agreement. The duly elected NABET-CWA President shall be the NABET-CWA Sector President and shall be elected by delegates representing NABET-CWA members in accordance with the CWA Constitution and NABET-CWA Sector Bylaws. The duly elected President of the IUE-CWA Division shall be the IUE-CWA Division Vice President and shall be elected in accordance with the
IUE-CWA Rules and the CWA Constitution. The duly elected President of the AFA-CWA Sector shall be the AFA-CWA Sector Vice President and shall be elected in accordance with the AFA-CWA Rules and the CWA Constitution.

(d) Beginning in 2011, the term of office for Vice President, PPMWS Executive Officer, shall be four years or until their successors have been duly elected and qualified.

(e) In the event a vacancy occurs in the Office of Vice President, PPMWS Executive Officer, or At-Large Diversity Executive Board Member for any reason, an election shall be held at the next regular Convention for the purpose of electing a Vice President, PPMWS Executive Officer, or At-Large Diversity Executive Board Member to fill the unexpired term.

Amend Article XV, Section 7

Section 7—PPMWS Executive Officer

Elections for the post of PPMWS Executive Officer shall be held in full conformity with the requirements of the Sector Bylaws and the CWA Constitution. The PPMWS Executive Officer shall be elected to four-year terms in the same cycle as the other CWA Executive Board member.

Amend Article XVI, Section 8

Section 8—National Committee on Civil Rights and Equity

The National Committee on Civil Rights and Equity shall consist of one member from each CWA District, one member from the Public & Healthcare Workers Sector, one member from the Media Sector (consisting of the PPMWS-CWA, NABET-CWA, and TNG-CWA), one member from the AFA-CWA Sector, and one member from the IUE-CWA Division. National Committee on Civil Rights and Equity members shall be appointed by the President and approved by the Executive Board. In Convention years, the Committee shall meet at least once a year and also prior to Convention to report to the Convention on its activities and make recommendations. In non-Convention years, the Committee will meet once and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. The Committee Member from the particular District, Division, or Sector will also report on the Committee’s activities at any District, Division, or Sector meetings.

Amend Article XVI, Section 9

Section 9—Women’s Committee
The Women's Committee shall consist of one member from each District, one member from the Public & Healthcare Workers Sector, one member from the Media Sector (consisting of the PPMWS-CWA, NABET-CWA, and TNG-CWA), one member from the AFA-CWA Sector, and one member from the IUE-CWA Division. Women's Committee members shall be appointed by the President and approved by the Executive Board. In Convention years, the Committee shall meet at least once a year and also prior to Convention to report to the Convention on its activities and make recommendations. In non-Convention years, the Committee will meet once and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. The Committee Member from the particular District, Division, or Sector will also report on the Committee's activities at any District, Division, or Sector meetings.

**Amend Article XVI, Section 10**

Section 10—Defense Fund Oversight Committee

The Defense Fund Oversight Committee (DFOC) shall consist of one representative from each CWA District, one representative from the Public Workers Sector, one representative from the IUE Division, one representative from the Airline Industries and one representative from the Media Sectors (TNG-CWA and NABET-CWA and PPMWS). The election of the DFOC representatives and their alternates shall be conducted as established by the CWA Convention and shall be for four-year terms. The Committee shall meet at least twice a year and at the Convention. In non-Convention years, the Committee will meet and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. In accordance with the Rules adopted by the Convention, the Committee is responsible to review receipts, disbursements, educational programs, administration and investment of the Defense (DF) and Robert Lilja Members' Relief Funds (RLMRF), and shall have oversight for the Strategic Industry Fund (SIF).

**Amend Article XVIII, Section 2**

Section 2—Notification

After a strike vote has been taken by a Local or groups of Locals in a District or Region and a strike is imminent, the Vice President, PPMWS Executive Officer, or the Director of the CWA-SCA Canada shall notify the President of the Union in writing.

**Amend Article XXI, Section 1**

Section 1 – Petition for Recall of Union Officers and Executive Board Members
A petition for recall of an officers of the Union or any member of the Executive Board, including At-Large Diversity Executive Board Members, the Executive Office of the PPMWS, and the Director of CWA-SCA Canada:

**Amend Article XXI, Section 1(3)**

(3) May be preferred against a Vice President of a District by twenty percent (20%) of the Locals representing twenty percent (20%) of the membership within the District, and may be preferred against the Telecom and Technology Vice President; Public, Heath Care and Education Workers Vice President, the TNG-CWA Sector Vice President; the NABET-CWA Sector Vice President; the IUE-CWA Division Vice President; the AFA-CWA Sector Vice President; the PPMWS Executive Officer, and the Director of CWA-SCA Canada by twenty percent (20%) of the Locals representing twenty percent (20%) of the membership of the units the affected Vice President, the PPMWS Executive Officer, or the Director of CWA-SCA Canada represents;

**Amend Article XXII, Section 7(c)**

(c) The Public, Health Care and Education Workers Vice President, the Printing, Publishing and Media Workers Sector Executive Officer, the TNG-CWA Sector Vice President, the NABET-CWA Sector Vice President, and the IUE-CWA Division Vice President may be recalled by delegates at an International Convention, who represent the membership of their respective units, by a two-thirds (2/3) vote of those voting on the question, or by a referendum among the members of the Union in the units the affected Vice President or PPMWS Executive Officer represents, if two-thirds (2/3) of the votes cast in such referendum favor recall.

(Submitted by the CWA Executive Board)

These amendments to various provisions of the Constitution are all being proposed as one amendment as they are all related. The purpose of this amendment is to consolidate the PPMWS into the CWA Districts’ administrative structures. PPMWS would no longer function as a separate stand-alone sector within CWA.

In 2006, at the CWA Convention, the delegates passed a resolution titled, “CWA – Ready for the Future – Ten Steps to Strengthen Bargaining Power”, Step Ten called for “Right-Sizing the Board.” The Resolution stated that “this has been one of the most controversial and difficult issues in the Ready for the Future discussion... The CWA Executive Board has spent much time over the past months in sometimes tense discussions struggling with this issue.” The Ready for the Future resolution went on to state: “The Board is confident that in the next five years, through combinations and additions, the Board’s composition will be right-sized and balanced.” But in fact, the Union has struggled over the last 13 years to resolve the issue. The Committee believes
that this proposed amendment furthers the purpose of the Ready for the Future resolution.

The need to consolidate the PPMWS is widely acknowledged, given its unique circumstances within the Union. This Sector has seen a dramatic decrease from 47,000 members at the time of the ITU merger with CWA in 1987 to 3,600 active members today. Thus, PPMWS membership has shrunk by approximately 90 percent since the merger of ITU and CWA. Currently, PPMWS has only 4,079 members, of which 533 are retirees. Since 2010, there has been a dues revenue decrease of more than 51 percent. This structure, given the size and dispersion of the membership, has become financially and administratively unsustainable, triggering the current discussions about restructuring. Additionally, projections for the future appear equally problematic.

With typically small bargaining units spread across the country from Maine to Hawaii, the shrinking yet geographically dispersed membership has made maintaining a separate administrative structure for the PPMWS highly inefficient, ineffective, and financially unsustainable. Out of necessity, many PPMWS Locals have already voluntarily merged with each other or merged into other CWA Locals. Today, there are 44 traditional PPMWS Locals and 56 amalgamated Locals with PPMWS members.

If this amendment is adopted, PPMWS Locals and bargaining units within amalgamated Locals would be serviced by their respective Districts, which have Staff Representatives spread across the country. Other than who is servicing them, the Locals are unaffected by this amendment. The Locals themselves continue to have the choice to merge with other Locals or not. Again, this administrative consolidation is in keeping with the 2006 Resolution I – Ready for the Future. Integrating PPMWS Locals more fully into the Districts will enable them to be fully serviced by District Staff who can assist (as they do other Locals within the Districts) with bargaining, grievances, arbitrations, organizing, legislative/political work and matters of internal governance.

The funds in the PPMWS operating fund, the PPMWS strike fund, and the PPMWS general fund will be distributed, after payment of any bills or debts of the Sector, to Locals with PPMWS members on a per capita basis.

**The Committee Recommends Adoption of this Proposal.**

**2. Amend Article XIII, Section 7**

Section 7 – Appeal of Revocation
(a) A Local may appeal the findings of the Executive Board to the next Convention by giving written notice to the Secretary-Treasurer of the Union within thirty (30) days after the publication of the findings of the Executive Board of the Union. No findings shall become effective pending the disposition of the appeal. **The findings and decision of the Executive Board shall become effective immediately and the Local placed into temporary administration pending any appeal to the Convention or Presidents’ Meeting.** 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 Presidents’ Meeting. **Notwithstanding any other provision of this Constitution, any appeal of a decision regarding a Charter Revocation must be made to the next Presidents’ meeting or Convention, whichever occurs sooner.**

(Submitted by the CWA Executive Board)

This change was proposed by the CWA Executive Board to shorten the time frame for an appeal of an Executive Board decision to revoke a Charter and to allow the Executive Board to gain immediate control over a Local whose Charter the Executive Board has decided to revoke.

Currently an appeal to the Executive Board’s decision to revoke a Local Charter can be made to either a Presidents’ meeting or deferred to the next Biennial Convention, pursuant to Article IX, Section 7(e) of the Constitution. Thus, an appeal may take as long as two years to reach conclusion. This amendment would make it mandatory that the appeal be heard at the next Presidents’ meeting or the next Convention, whichever comes first.

In addition, this proposed amendment would authorize the Executive Board to place a Local whose Charter has been revoked by the decision of the Executive Board into immediate temporary administration, thus protecting the membership and the assets of the Local pending any appeal.

This proposed amendment only changes the above referenced provisions. There is no change proposed to the reasons a Local Charter could be revoked (Article XIII, Section 5), the hearing procedure (Article XIII, Section 6) or the two-thirds (2/3) vote of the Executive Board (Article XIII, Section 6), Convention or Presidents’ Meeting (Article XIII, Section 7(b)) to effectuate a Charter revocation.

**The Committee Recommends Adoption of this Proposal.**
3. Public, Healthcare and Education Workers

Article V - Membership

Section 6 – Retired Members’ Council

(d) A Council Executive Board shall be elected which will consist of two representatives from each of the CWA Districts and two representatives from each of the Sector/Division members who shall be elected from the Media Sector (consisting of the Printing, Publishing and Media Workers Sector, NABET-CWA and TNG-CWA), the IUE-CWA Division, the AFA-CWA Sector, and the Public, Healthcare and Education Workers Sector. The District representatives on the Council Executive Board shall be elected by secret ballot among the Council Lifetime members within the appropriate CWA District. The Sector and Division representatives shall be elected by secret ballot among the Council Lifetime members who retired from the Media Sector (consisting of the Printing, Publishing and Media Workers Sector NABET-CWA, and TNG-CWA), the IUE-CWA Division, the AFA-CWA Sector. and the Public, Healthcare and Education Workers Sector. Of the two elected Representatives one shall be known as District or Sector President and one shall be known as District or Sector Vice President. Terms of office shall be consistent with those of International officers. The elections shall be conducted in accordance with Council bylaws, federal and provincial laws and this Constitution. Any challenge to the Council Executive Board elections or Council officers’ elections shall be resolved in accordance with the Council bylaws.

Article IX – Executive Board

Section 1

(c) The Vice Presidents (District; Telecom and Technology; Public, Health Care and Education Workers; TNG-CWA Sector; NABET-CWA Sector; IUE-CWA Division, and AFA-CWA Sector).

(g) Public, Health Care and Education Workers Executive Board Position

Article XII – Duties of Officers and other Executive Board Members

Section 3 – Vice Presidents-District: Telecom and Technology; Public, Health Care and Education Workers; TNG-CWA; NABET-CWA; IUE-CWA; and AFA-CWA Sectors

Section 6 – Public, Health Care and Education Workers Vice President

There shall be elected a Public, Health Care and Education Workers Vice President who shall be responsible under the direction of the Executive Board
for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of public, health care and education works.

{Re-number Sections 7-13}

Section 13—Public, Health Care and Education Workers Executive Board Member

There shall be one Public, Health Care and Education Workers Executive Board Member. The Public, Health Care and Education Workers Executive Board Member shall:

(a) Act under the direction of the President and perform such duties as may be assigned by the President or the Executive Board;

(b) Be responsible, under the direction and with the assistance of other members of the Executive Board, for matters of common concern and interest affecting Public, Health Care and Education Workers within the union:

(c) Attend meetings of the CWA Executive Board, in person or by telephone call, as may be scheduled by the President or the Executive Board:

(d) No full-time, permanent employee of the Union shall be eligible to run for or hold office as the Public, Health Care and Education Workers Executive Board Member. The Public, Health Care and Education Workers Executive Board Member shall not be an employee of the Union and shall receive no salary or other compensation from the Union for service as the Public, Health Care and Education Workers Executive Board Member. The Public, Health Care and Education Workers Executive Board Member shall receive reimbursement for lost-time wages and expenses associated with attending Board meetings and performing other Board responsibilities as assigned by the President.

Article XV—Elections

Section 2—Vice Presidents and PPMWS Executive Officer

(a) District Vice Presidents shall be elected by a secret ballot, after nominations from the floor, at a meeting of delegates from the District. Beginning with the 2011 CWA Convention, there shall be elected a Telecom and Technology Vice President for AT&T Legacy T, Avaya, Alcatel-Lucent (d/b/a Nokia), OFS and those bargaining units of telecommunications employees other than AT&T, Verizon, Qwest (d/b/a CenturyLink) and their subsidiaries and affiliates. The Telecom and
Technology Vice President and the Public, Health Care and Education Workers Vice President shall be elected by secret ballot, after nominations from the floor at meetings of delegates representing members of AT&T Legacy T, Avaya, Alcatel-Lucent (d/b/a Nokia), and OFS and affected telecommunications bargaining units, and Public, Health Care and Education workers units respectively.

(f) Beginning with the election of 2023, the Public, Health Care and Education Workers Executive Board Member shall be elected by secret ballot of the delegates to the Convention who represent public workers, health care or education workers following nominations made from the floor of the Convention made by delegates from Locals representing public workers, health care or education workers. Beginning with the elections held in 2023, the term of office for the Public, Health Care and Education Workers Executive Board Member shall be four years. No candidate shall be permitted to run for or hold one of the four At-Large Diversity Executive Board positions and the Public Health Care and Education Workers Executive Board position. A candidate for the Public, Health Care and Education Workers Executive Board Member position must hold their membership within the Public, Health Care or Education field represented by that position.

(g) In the event a vacancy occurs in the Office of Vice President, PPMWS Executive Officer, or At-Large Diversity Executive Board Members, or Public, Health Care and Education Workers Executive Board Member for any reason, an election shall be held at the next regular Convention for the purpose of electing a Vice President, PPMWS Executive Officer, or At-Large Diversity Executive Board Member or Public, Health Care and Education Workers Executive Board Member to fill the unexpired term.

(h) In the event a vacancy occurs in the Office of Public, Health Care and Education Workers Vice President during the 2019-2023 term for any reason, the President shall appoint a temporary Public, Health Care and Education Workers Executive Board Member to fill the unexpired term. The responsibilities for the temporary Public, Health Care and Education Workers Executive Board Member will be consistent with those outlined for that position which would be elected at the 2023 Convention and is outlined in Article XII Section 12. The President and Executive Board will work with the Public Health Care and Education Workers Executive Board Member and the District Vice Presidents on a smooth transition. The Public Health Care and Education Workers Executive Board Member will work with the District Vice Presidents during this transition until their present terms of office expire in 2023.

Section 5-Order of Nomination and Election of Officers of the Union
(e) **Public, Health Care and Education Workers Executive Board Member.** Beginning with the election in 2023, a majority vote shall be required for election of the Public, Health Care and Education Workers Executive Board Member. If no candidate receives a majority vote for the Public, Health Care and Education Workers Executive Board Member seat on the first ballot, a run-off election shall be conducted and the two nominees receiving the greatest number of votes on the first ballot for that individual seat shall be the nominees on the second ballot for that individual seat.

**Article XVI—Committees**

**Section 10—Defense Fund Oversight Committee**

The Defense Fund Oversight Committee (DFOC) shall consist of one representative from each CWA District, one representative from the Public, Health Care and Education Worker Sector, one representative from the IUE Division, one representative from the Airline Industries and one representative from the Media Sectors (TNG-CWA, NABET-CWA and PPMWS). **Beginning with the elections in 2023, the Defense Fund Oversight Committee (DFOC) shall consist of one representative from each CWA District, one representative from the Public Workers, Health Care and Education Workers unit, one representative from the IUE Division, one representative from the Airline Industries and one representative from the Media Sectors (TNG-CWA, NABET-CWA and PPMWS).** The election of the DFOC representatives and their alternates shall be conducted as established by the CWA Convention and shall be for four-year terms. The Committee shall meet at least twice a year and at the Convention. In non-Convention years, the Committee will meet and prepare a report on its activities and make recommendations which will be distributed to the locals by the President of the Union. In accordance with the Rules adopted by the Convention, the Committee is responsible to review receipts, disbursements, educational programs, administration and investment of the Defense (DF) and Robert Lilja Members’ Relief Funds (RLMRF), and shall have oversight for the Strategic Industry Fund (SIF).

**Article XXI—Recall Petition Against Persons Holding Elective Office in the Union**

**Section 1—Petition for Recall of Union Officers and Executive Board Members**

A petition for recall of an officer of the Union or any member of the Executive Board, including At-Large Diversity Executive Board Members, **and beginning in 2023, the Public, Health Care and Education Executive Board member,** the Executive Officer of the PPMWS, and the Director of CWA-SCA Canada:
(3) May be preferred against a Vice President of a District by twenty percent (20%) of the Locals representing twenty percent (20%) of the membership within the District, and may be preferred against the Telecom and Technology Vice President; Public, Health Care and Education Workers Vice President; the TNG-CWA Sector Vice President; the NABET-CWA Sector Vice President; the IUE-CWA Division Vice President; the AFA-CWA Sector Vice President; the PPMWS Executive Officer, and the Director of CWA-SCA Canada by twenty percent (20%) of the Locals representing twenty percent (20%) of the membership of the units the affected Vice President, the PPMWS Executive Officer, or the Director of CWA-SCA Canada represents; Beginning in 2023 a petition for a recall may be preferred against the Public, Health Care and Education Workers Executive Board member by twenty percent of the Locals representing twenty percent (20%) of the membership of the Public, Health Care and Education Workers units;

**Article XXII - Referendum and Recall**

**Section 6**

Any officer or member of the Executive Board, including any At-Large Diversity Executive Board Member and Public, Health Care and Education Workers Executive Board Member, may be recalled by two-thirds (2/3) of those voting at the Convention or in a general referendum if two-thirds (2/3) of the votes cast in such a referendum favor recall.

**Section 7**

(a) A Vice President of a District may be recalled by the Delegates from that District at an International Convention by two-thirds (2/3) vote of those voting on the question, or by a referendum among the members of the Union in the District if two-thirds (2/3) of the votes cast in such referendum favor recall.

(f) Beginning with the election of the Public, Health Care and Education Workers Executive Board Member in 2023, the Public, Health Care and Education Workers Executive Board Member may be recalled by delegates at an International Convention, who represent the Public, Health Care and Education Workers membership, by a two-thirds (2/3) vote of those voting on the question, or by a referendum among the members of the Union in the Public, Health Care and Education Workers unit, if two-thirds (2/3) of the votes cast in such referendum favor recall.

**Article XXVIII - Amendments**

**Section 6**
(a) Amendments adopted in a Convention shall become effective on the thirtieth (30th) day following the adjournment of the Convention, provided, the Convention does not specify a later date, or unless within thirty (30) days a referendum vote on the amendment or repeal is initiated, in which event, the amendment or repeal shall not become effective unless it is sustained by such referendum. Amendments or repeals adopted or sustained by referendum procedure shall become effective on the thirtieth (30th) day following such action or on a later date if so specified.

(b) Amendments adopted at the 2019 Convention with regards to the Public, Health Care and Education Workers Sector shall become effective during the 4 year term of office of the Public, Health Care and Education Workers Vice President. The President of the Union will decide the timeline and completion for the transition. The President and Executive Board will work with the Public, Health Care and Education Workers Vice President and the District Vice Presidents on a smooth transition. The Public, Health Care and Education Workers Vice President will work with the District Vice Presidents during this transition until their present terms of office expire in 2023.

(Submitted by Tom Benedetto, President CWA Local 1104; Shawn Ludwig, President CWA Local 1038 and Cori Gambini, President CWA Local 1168)

Again, as with the PPMWS and T&T proposed amendments, the Committee believes this proposed amendment furthers the goals of the 2006 Ready for the Future Resolution. Essentially, the same reasoning applicable to those proposed amendments applies here.

The Committee acknowledges that these changes are difficult. Change is always hard. But change we must, in order to strengthen our Union and the representation of our members. To borrow a phrase from a previous important change in our Union, related to the addition of the Diversity Board Members, “If not now...when?”

The Public, Health Care and Education office as currently structured does not bargain contracts or handle grievances/arbitrations for most public, health care or education units. That function is currently carried out by Districts and/or Locals. While some legislative and political work for public worker units is performed by the Public, Health Care and Education office, this work is also carried out by Districts. Organizing work on behalf of public, health care and education units is currently performed by and coordinated with the Organizing Department, Districts and the Public, Health Care and Education office. The proposed amendments would simply consolidate all work currently done on behalf of the public, health care and education members in the Districts, which are already performing this work. Therefore, this amendment eliminates duplicative work and fulfills all three legs of the CWA Triangle.
The proposed amendment to the Constitution is designed to accomplish the following:

- Merge the functions of the Public, Health Care and Education Workers office into the Districts and eliminate the need for a separate office.

- Transition the work of the Public, Health Care and Education Workers office into the Districts during the 2019-2023 term of office of the Public, Health Care and Education Workers Vice President. The President of the Union will be responsible for the timeline and completion of the transition. The President of the Union and the Executive Board will work with the Public, Health Care and Education Workers Vice President and District Vice Presidents to ensure a smooth transition. The Public, Health Care and Education Workers Vice President will work with the District Vice Presidents during and after the transition until the present term of the Public, Health Care and Education Workers Vice President expires in 2023.

- Create a new Public, Health Care and Education Workers Executive Board seat that will be filled by election at the 2023 Convention. This will ensure the public, health care and education members have a voice on the Executive Board. This is being modeled after the At-Large Diversity Executive Board Member seats. The Public, Health Care and Education Workers Executive Board Member shall:

(a) Act under the direction of the President and perform such duties as may be assigned by the President or the Executive Board;

(b) Be responsible, under the direction and with the assistance of other members of the Executive Board, for matters of common concern and interest affecting the public, health care and education members within the Union;

(c) Attend meetings of the CWA Executive Board, in person or by telephone call, as may be scheduled by the President or the Executive Board;

- In the event a vacancy occurs in the office of Public, Health Care and Education Workers Vice President during the 2019-2023 term for any reason, the President shall appoint a temporary Public, Health Care and Education Workers Executive Board Member to fill the unexpired term.

- Ensure that the public, health care and education members will continue to have a representative on the Defense Fund Oversight Committee (DFOC).

The Committee Recommends Adoption of this Proposal.
II. Complaints against the Union, its officers or Executive Board

A. The Complaint

1. All complaints shall be:
   (a) In writing;
   (b) Signed by the complainant;
   (c) Filed with the President of the Union; however, if the complaint is about
      the action of such officer, then it shall be filed with the Union
      Secretary-Treasurer and considered by the Executive Committee subject to
      appeal to the Executive Board and to the CWA Convention and/or, in
      non-Convention years, subject to appeal to the delegates to a Local President’s
      meeting called by the CWA Secretary-Treasurer, as provided more fully in
      Article IX, Section 7; and
   (d) If the complaint is about the action(s) of the local President and/or
      any officer of the local’s Executive Board, then it shall be filed in writing
      with the office of CWA’s National Secretary to be considered by the
      Executive Committee subject to the National Executive Board and to the
      CWA Convention and/or, in non-Convention years, subject to appeal to
      delegates to a Local President’s meeting called by the CWA National
      Secretary-Treasurer, as provided more fully in Article IX, Section 7; and
   (d) [e] Submitted within sixty (60) days of the time the complainant became
      aware of the alleged violation.

2. The complaint shall also:

   (a) Contain an allegation of the facts on which the complaint is based,
      including applicable dates;
   (b) Specify the nature of relief sought; and
   (c) Shall state that it is filed in good faith.

B. Consideration of the complaint

1. The President shall determine what action, if any, is to be taken within
   thirty (30) days and notify interested parties.

2. In the event such allegations and/or complaint is against the President,
of the local and/or any officer of the Executive Board of the local, the Executive Committee shall provide fair and impartial oversight to determine what action, if any, is to be taken within thirty (30) days and cause interested parties to be notified within thirty (30) days of receipt of the complaint/charge by after completion of the following investigative process:

(a) Conduction of an interview with the complainant and President of the local and/or any such officer of the local’s Executive Board charged in the alleged allegation(s) to include any witnesses brought forth by the complainant.

(b) Use of the Seven Steps of Just Cause to determine the validity of the complaint/charge.

In the event the complainant demonstrates that he/she has been subjected to unfair and disparate treatment, retaliation, and/or subjected to discrimination based on race, color, gender, religion, age, marital/parental status, political beliefs, sexual orientation, gender identity or expression, national origin, or because a person is handicapped, a disabled veteran, or a veteran of the military service by the Local President and/or any officer of the local’s Executive Board, the Executive Committee shall, within ninety (90) days of receipt of the complaint/charge, meet with the complainant, the VP of the district in which the complainant is a member, and the Local President and/or any officer of the Executive board charged in the alleged allegation(s) to mediate a satisfactory resolve to the matter.

(Submitted by Cheryl E. Lee, Executive Board Member & Chief Steward of Local 6132)

Article IX of the CWA Constitution states:
“The Executive Board of the Union shall establish reasonable appeal procedures within the structure of the Union to review complaints of members which allege violation of the Constitution, Local Bylaws or the rights and privileges of members.”

That provision was added to the Constitution at the 1960 Convention. An amendment from the floor, which would have required Convention approval of the Procedures, was defeated.

Therefore, it is clear that the Constitution reserves to the National Executive Board the right to establish and change the Internal Appeals Procedures.

This proposed amendment, as submitted, is to the Internal Appeals Procedures and not to the Constitution. The Constitution Committee is “charged with the duty of considering and reporting to the Convention and to
the Executive Board on proposals to change this Constitution.” Therefore, this proposed amendment is not properly before this Committee for consideration.

The Committee can not recommend adoption of this Proposal as it is outside of the Constitution Committee’s purview.

5. Article IX – Executive Board

Section 1

(c) The Vice Presidents (District; Telecom and Technology; Public, Health Care and Education Workers; TNG-CWA Sector; NABET-CWA Sector; IUE-CWA Division, and AFA-CWA Sector).

Article XII – Duties of Officers and other Executive Board Members

Section 3 – Vice Presidents-District; Telecom and Technology; Public, Health Care and Education Workers; TNG-CWA; NABET-CWA; IUE-CWA; and AFA-CWA Sectors

Section 4 – Vice Presidents- Districts, Telecom and Technology

Section 5 – Telecom and Technology Vice President

For those bargaining units of Telecommunications employees other than AT&T, Verizon, Qwest (d/b/a CenturyLink) and their subsidiaries and affiliates. The Telecom & Technology Vice President shall be responsible, under the direction of the Executive Board, for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units.

The Telecom & Technology Vice President shall be responsible for bargaining in those bargaining units which are system wide or national in scope as determined by the Executive Board.

{Re-number Sections 6-13}

Article XV – Elections

Section 2 – Vice Presidents and PPMWS Executive Officer

(a) District Vice Presidents shall be elected by a secret ballot, after nominations from the floor, at a meeting of delegates from the District. Beginning with the 2011-CWA Convention, there shall be elected a Telecom
and Technology Vice President for AT&T Legacy T, Avaya, Alcatel-Lucent (d/b/a Nokia), OFS and those bargaining units of telecommunications employees other than AT&T, Verizon, Qwest (d/b/a CenturyLink) and their subsidiaries and affiliates. The Telecom and Technology Vice President, and the Public, Health Care and Education Workers Vice President shall be elected by secret ballot, after nominations from the floor at meetings of delegates representing members of AT&T Legacy T, Avaya, Alcatel-Lucent (d/b/a Nokia), and OFS and affected telecommunications bargaining units and Public, Health Care and Education workers units respectively.

(f) In the event a vacancy occurs in the Office of Telecom and Technology Vice President during the 2019-2023 term for any reason, the President and Executive Board will oversee the transition of that sector into the Districts for the unexpired term.

Article XXVIII – Amendments

Section 6

(a) Amendments adopted in a Convention shall become effective on the thirtieth (30th) day following the adjournment of the Convention, provided, the Convention does not specify a later date, or unless within thirty (30) days a referendum vote on the amendment or repeal is initiated, in which event, the amendment or repeal shall not become effective unless it is sustained by such referendum. Amendments or repeals adopted or sustained by referendum procedure shall become effective on the thirtieth (30th) day following such action or on a later date if so specified.

(b) Amendments adopted at the 2019 Convention with regards to The Telecom & Technology Sector shall become effective during the 4 year term of office of The Telecom & Technology Vice President. The President of the Union will decide the timeline for the transition and completion. The President and Executive Board will work with the Telecom & Technology Vice President and the District Vice President on a smooth transition. The Telecom & Technology Vice President will work with the District Vice Presidents during and after this transition until their present terms of office expire in 2023.

(Submitted by Jim Gardler, President CWA Local 13000 and Keith Purce, President CWA Local 1101)

As with the PPMWS proposed amendments, the Committee believes this proposed amendment furthers the goals of the 2006 Ready for the Future Resolution. All of us know, CWA along with the entire labor movement, has been under vicious attacks for decades. For example, the Janus decision (even though not specifically damaging to the private sector) has the potential
to cost the Union millions of dollars a year in lost revenue. In order for CWA
to survive we must adapt, we must change the way we function and we must
be smarter and more efficient than ever before. This proposed amendment to
the Constitution is designed to strengthen and restructure our Union in the
face of these attacks. It is not an attack on Sectors. Sectors are a vital part of
our Union but we have to acknowledge that the Union is under attack.

As we stated in connection with the PPMWS proposed amendment: "CWA –
called for 'Right-Sizing the Board.' The Resolution stated that 'this has been
one of the most controversial and difficult issues in the Ready for the Future
discussion... The CWA Executive Board has spent much time over the past
months in sometimes tense discussions struggling with this issue.' The Ready
for the Future resolution went on to state: 'The Board is confident that in the
next five years, through combinations and additions, the Board's composition
will be right-sized and balanced.' But in fact, the Union has struggled over
the last 13 years to resolve this issue. The Committee believes that this
proposed amendment furthers the purpose of the Ready for the Future
resolution."

This proposal advances the commitment made as part of Ready for the Future
in 2006 by merging the Telecom and Technology Office (T&T) and
transitioning the functions of this office into the Districts. The Vice President
of Telecom and Technology will remain in office for the remainder of their
current term (2019-2023) in order to help with the transition. We realize this
is not an easy change but it is one that must be made now.

CWA no longer has the luxury of having offices and/or Sectors that duplicate
work that is already being done by the Districts. Our resources, including
staff, must be focused on Districts and Sectors that are in the best position to
maximize the support we provide to members in these challenging times.

The Amendments to the Constitution are designed to accomplish the
following:

• Merge the functions of the Telecom & Technology (T&T) office into the
  Districts and eliminate the need for a separate T&T office.

• Transition the functions of the T&T office into the Districts during the
  2019-2023 term of office of the T&T Vice President. The President of the
  Union will be responsible for the timeline and completion of the transition.
  The President of the Union and the Executive Board will work with the T&T
  Vice President and District Vice Presidents to ensure smooth transitions. The
  T&T Vice President will work with the District Vice Presidents during and after
  the transition until the present term of the T&T Vice President expires in
  2023.
• In the event a vacancy occurs in the office of Telecom and Technology Vice President during the 2019-2023 term for any reason, the President and Executive Board will oversee the transition of the functions of that office into the Districts for the unexpired term. Such vacancy, if it occurs between 2019 and 2023, will not be filled.

The Committee Recommends Adoption of this Proposal.

6. Article XII-Duties of Officers and other Executive Board Members

Section 6- Public, Health Care and Education Workers Vice President

There shall be elected a full time Public, Health Care and Education Workers Vice President who shall be responsible under the direction of the Executive Board for coordinating matters of common concern and interest with respect to contracts, wages, hours of employment and other working conditions within the units of public, health care and education workers. **To insure the duties of the public sector is achieved the Vice President of Public Sector at a minimum shall have full time staff comprising of Assistant to the Vice President, Organizer, Researcher and an Administrative Secretary.**

(Submitted by Donald Alire, President Local 7076)

The change, as proposed, would require a minimum staffing level for the Public, Health Care and Education Workers Vice President. The adoption of this amendment would infringe upon the constitutional authority of the President and the Executive Board.

Article IX, Section 4(g) specifically states: "The Executive Board shall have the authority to approve the employment of personnel not elected which may be necessary to carry out the objectives and to effectuate the policies of the Union and to fix the compensation of such personnel within the limitations of the budget approved by the Convention."

Article XII, Section 1(e) states: "The President shall recommend to the Executive Board the employment of such personnel as may be required in the President's opinion to effectuate the programs of the Union."

Thus, the Constitution clearly reserves the authority to hire staff to the President and the Executive Board. This proposal would be inconsistent with the authority already established in the Constitution.

The Committee does not recommend Adoption of this Proposal.
Respectfully submitted,

Ryan Letts, Chair, President, CWA Local 4034
Penny Knapp, President, CWA Local 9417
Christopher Ryan, President, CWA Local 1123
Debbie Media, President, CWA Local 7777
Kathryn Ayala, President, CWA Local 24077