



MERGER GUIDELINES
of the
American Postal Workers Union,
AFL-CIO

As amended and adopted by the
National Executive Board
January 15, 2019

Jonathan Smith, President
Debby Szeredy, Executive Vice President
Elizabeth Powell, Secretary-Treasurer

Merger Guidelines Table of Contents

Section 1: Introduction	3 - 6
1.1 Definitions	4 - 5
1.2 Area Local Jurisdiction	5 - 6
Section 2: Guidelines	7 - 28
2.1 Forming an Area Local	8 - 9
2.2 Local/Area Local Merging with a Local/Area Local	10 - 12
2.3 Member-at-Large (MAL) Merger with a Local or Area Local	13 - 14
2.4 Member-at-Large (MAL) Disaffiliation	15 - 16
2.5 Disaffiliation by a Former Local or Area Local	17 - 19
2.6 Dissolving a Local to Become Members-at-Large (MALs)	20 - 21
2.7 Non-Mail Processing Facilities Jurisdiction Procedures	22 - 24
2.8 Consolidated, Excessing Installations and/or New Installations	25 - 28
Section 3: Addendums	29 - 31
#1 – POSTPLAN Jurisdictional Guidelines	30
#2 – Remote Encoding Centers Jurisdictional Guidelines	31

Section 1: Introduction

Introduction

The National Executive Board of the American Postal Workers Union, AFL-CIO (APWU) in session adopted the following guidelines and procedures concerning the formation of Area Locals, Local Union Mergers, Members-At-Large (MALs) mergers with either a Local or Area Local, the method of the disaffiliation of existing mergers, dissolving a Local, new facilities or installations, non-mail processing facilities, and excessing of offices, facilities or installations. The Merger Guidelines were originally adopted by the National Executive Board on March 15, 1985. Since that time, the Merger Guidelines have been amended several times, the most recent being **January 15, 2019**.

No process in these guidelines will be permitted unless approval has been requested from and granted by the APWU National Secretary-Treasurer pursuant to the following procedures.

The documents listed in these guidelines should be returned to the National Secretary-Treasurer at the address, fax or e-mail below:

American Postal Workers Union, AFL-CIO
Attn: Secretary-Treasurer's Department (Mergers)
1300 L Street, NW
Washington, DC 20005
(202) 842-8530 (fax)
mergers@apwu.org

1.1 Definitions

Chartered Local

A chartered Local is a Local which had at least three (3) members prior to July 2000 and now has at least ten (10) members after July 2000. *[Refer to Article 16, Section 5(a) of the APWU National Constitution and Bylaws.]*

State Local

A State Local is identified as a chartered Local belonging to the State Organization but not receiving any rebate monies from the APWU.

The APWU retains the national per capita amount and then forwards the remaining balance to the State Organization. By staying as an active affiliate of the APWU, the Local is entitled to retain certain rights, such as the right to represent their own members and to negotiate a Local Memorandum of Understanding (LMOU) as outlined in the Collective Bargaining Agreement between the APWU and the United States Postal Service (USPS). (Because of a change in Internal Revenue Service (IRS) and Department of Labor (DOL) regulations, all local unions must file annual reports to both agencies, with the exception of Locals listed on the National APWU simplified annual report to the DOL. These Locals are not required to file an LM-4 report 29 CFR 403.4(b)].

Introduction

Area Local

An Area Local is formed by the merging of two (2) currently chartered Locals. One of the Locals will be declared the “chartered” office. The “chartered” office cannot seek to disaffiliate if the result would cause the Area Local to be reduced to a Local.

Member-at-Large (MAL)

A Member-At-Large (MAL) is a member who works in an installation where there is no chartered Local. MALs pay the national per capita rate and the State Organization’s dues.

MAL Mergers – A MAL office merges with a Local or Area Local. A Local or Area Local is responsible for representation at any MAL office that merges with it.

SCF

The **SCF** is the first three (3) digits of the zip code in which a Local, Area Local, or MAL office is located. The APWU National Secretary-Treasurer will determine jurisdictional locations by utilizing the SCF.

Merging of a Local or Area Local

When a Local or Area Local merges with **another Local or** Area Local, all offices represented by the incoming Local or Area Local are considered one entity. If that former Local or Area Local seeks to disaffiliate, all offices of that entity would be part of that request and not just a specific office.

Non-Mail Processing Facility

Under Article 9, Section 4 of the APWU National Constitution and Bylaws, the Support Services Division is comprised of members from Non-Mail Processing Facilities. This covers employees who do not work through the USPS, but rather are employed by private sector companies. This group does not have the same restrictions that govern postal workers, such as the right to strike.

1.2 Area Local Jurisdiction

No Area Local will be allowed to extend its jurisdictional claim beyond its present SCF boundary lines without the specific prior consent of the National Executive Board or the state boundary lines without the specific prior consent of the affected State Presidents.

Crossing SCF Boundary Lines

The National Executive Board designates the APWU National Secretary-Treasurer to serve as the appropriate officer for determining any request for an Area Local to extend its jurisdictional claim beyond its present SCF boundary lines but not cross state boundary lines, after taking the following actions:

1. The APWU National Secretary-Treasurer will send a letter, by certified mail with a return receipt, to the involved Local(s) or Area Local(s), providing copies of the merger request, to obtain the following information:
 - A. Does the Local or Area Local approve or disapprove of the request?

Introduction

- i. Copies of the minutes from the Executive Board and membership meetings where this issue is considered and the vote is taken must be provided to the APWU National Secretary-Treasurer.
 - ii. If disapproved by the Executive Board or membership, the reason(s) for this decision must be specified.
 - B. The involved Presidents of the involved Local(s) or Area Local(s) are to submit a written response to the APWU National Secretary-Treasurer within sixty (60) days of receipt of the letter.
2. The involved parties will be notified of the decision made by the National **Secretary-Treasurer**. The involved parties must then initiate the steps for conducting a vote and finalizing all items as stipulated in these guidelines.

Crossing State Boundary Lines

The National Executive Board designates the APWU National Secretary-Treasurer to serve as the appropriate officer for determining any request for either a MAL office, Local or Area Local to merge with a Local or Area Local that involves crossing state boundary lines after taking the following actions:

1. The APWU National Secretary-Treasurer will send a letter, by certified mail with a return receipt, to the involved State Presidents, providing copies of the merger request, to obtain the following information:
 - A. Does the State approve or disapprove of the request?
 - i. Copies of the minutes from the Executive Board and membership meetings where this issue is considered and the vote is taken must be provided to the APWU National Secretary-Treasurer.
 - ii. If disapproved by the Executive Board or membership, the reason(s) for this decision must be specified.
 - B. The involved State Presidents may submit a written response to the APWU National Secretary-Treasurer within sixty (60) days of receipt of the letter.
2. The involved parties will be notified and must then initiate the steps for conducting a vote and finalizing all items as stipulated in these guidelines.

Number of Area Locals in an SCF

In SCF's where an Area Local presently does not exist, only one (1) will be chartered in the future. If there is now only one (1) chartered Area Local in a SCF, no second Area Local charter will be issued. In SCF's which now have two (2) or more Area Locals, no new charters will be issued.

Locals may, by vote of their membership, choose which Area Local they wish to affiliate with at the time of merger. No Local will be forced to merge with any Area Local.

Section 2: Guidelines

2.1 Forming an Area Local

An Area Local is formed by the merging of two (2) currently chartered Locals. Two (2) Locals within the same SCF may request to merge to form an Area Local. Please refer to Section 1.2 Area Local Jurisdiction for further information.

1. The following action(s) must be completed by the involved Locals wishing to form an Area Local:

Complete Request Form (Form MF01)¹

- **If a Local has ten (10) members or less, it may complete Section III (G) of the Request Form (Form MF01) in lieu of conducting a vote at a regular membership meeting.**
 - A majority [fifty (50%) percent plus one (1)] of the members in the involved Local must sign in favor of the merger in order for the merger to be considered.
- **However, if all members of the involved Local do not sign, or if the Local has eleven (11) members or more, the Local must conduct a vote at a regular membership meeting, as outlined below.**
- **The following sections of the Request Form (Form MF01) must be completed:**
 - **Section I**
 - **Section II (A)**
 - **Section III (A, B, C, E, F & G²)**

OR

Conduct a vote at a *regular* membership meeting on the question of merging the involved Locals to form an Area Local.

- Meeting Notice
 - The involved Local(s) must post on a regular meeting notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a vote will be conducted on the question of merging the _____ Local of the American Postal Workers Union, AFL-CIO (APWU) with the _____ Local, APWU to form the _____ Area Local, APWU as per the proposed Constitution and Bylaws of the _____ Area Local, APWU. The time, date and location of the meeting must be specified.
 - See Sample Meeting Notice (SMF01) for additional information.
- Conducting the Vote
 - At the regular membership meeting, the Chair is to conduct a vote **by either show of hands or** by secret ballot of those present and voting on the question of merging the _____ Local of the American Postal Workers Union, AFL-CIO (APWU) with the _____ Local, APWU to form the _____ Area Local, APWU as per the proposed constitution and bylaws of the _____ Area Local, APWU.
 - See Sample Secret Ballot (Form SMF02) for additional information.
- Results
 - The question of merging to form an Area Local must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the regular membership meeting.

2.1 Forming an Area Local

2. The following documents must be submitted to the APWU National Secretary-Treasurer after the completion of Step 1 above, whether the question of merging to form an Area Local was approved or disapproved.
 - Request Form (Form MF01)¹ from each involved Local.
 - Proposed Area Local's Constitution & Bylaws (submit only if the merger was approved)
 - Merger terms (if applicable).
 - List of Intended Offices Form (Form MF07).
 - Copy of meeting notice(s) from the involved Local's regular membership meeting, if a vote was held.
 - Copy of meeting minutes from the involved Local's regular membership meeting, if a vote was held.
 - Vote Tally Sheet (Form MF02), if a vote was held.
 - Local Officers Update Form (Form MF03), if merger was approved.

3. The APWU National Secretary-Treasurer will send a letter, by certified mail with a return receipt, to the newly formed Area Local advising on actions that are to be taken to terminate the outgoing Locals.

4. The following documents must be submitted to the appropriate offices with copies sent to the APWU National Secretary-Treasurer within thirty (30) days of receiving notification that the merger has been processed. The original reports are to be sent directly to the DOL and the IRS. *Failure to provide the APWU National Secretary-Treasurer with these copies within thirty (30) days will result in the rebate checks for the members of the outgoing Locals being held in escrow until the reports are received.*
 - LM-2, 3 or 4 Report – send to Department of Labor (DOL) with copy to the APWU National Secretary-Treasurer.
 - Terminating IRS Letter (Form MF04) – send to Internal Revenue Service (IRS) with copy to the APWU National Secretary-Treasurer.
 - Terminating DOL Letter (Form MF05) – send to Department of Labor with copy to the APWU National Secretary-Treasurer.
 - Assets Form (Form MF06) – send to the APWU National Secretary-Treasurer.

5. Handling of Outgoing Locals' Treasury, Equipment, Supplies and Official Records.
 - Pursuant to these guidelines adopted by the NEB, the outgoing Locals must turn local funds/assets over to the newly formed Area Local when closing out all checking and savings accounts.
 - A determination is to be made on how the files are to be retained for the outgoing Locals and what is to be done with the equipment. The financial records of the outgoing Locals must be kept for the last five (5) years prior to the date of the merger.

¹The involved Local(s) may submit a written request, with signatures if required, in lieu of submitting the Request Form (Form MF01).

²Section III (G) is to be completed only if the involved Local(s) have ten (10) members or less and are completing the Request Form (Form MF01) in lieu of conducting a vote at a regular membership meeting.

2.2 Local/Area Local Merging with a Local/Area Local

A Local or Area Local may request to merge with **another Local** or Area Local so long as the requesting Local or Area Local is within the jurisdiction of the **gaining Local** or Area Local. Please refer to Section 1.2 Area Local Jurisdiction for further information.

1. The following actions must be completed by the involved Local(s) and/or Area Local(s):

- Complete Request Form (Form MF01)¹
 - **If a Local or Area Local has ten (10) members or less, it may complete Section III (G) of the Request Form (Form MF01) in lieu of conducting a vote at a regular membership meeting.**
 - A majority [fifty (50%) percent plus one (1)] of the members of the involved Local or Area Local must sign in favor of the merger in order for the merger to be considered.
 - **However, if all members of the involved Local or Area Local do not sign, or if the Local/Area Local has eleven (11) members or more, the Local/Area Local must conduct a vote at a regular membership meeting, as outlined below.**
 - **The following sections of the Request Form (Form MF01) must be completed:**
 1. Section I
 2. Section II (B)
 3. Section III (C, E, F & G²)

OR

- Conduct a vote at a *regular* membership meeting on the question of merging the involved Local/Area Local.
 - Meeting Notice
 - The involved Local(s) and/or Area Local(s) must post on a regular meeting notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a vote will be conducted on the question of merging the _____ (Area) Local of the American Postal Workers Union, AFL-CIO (APWU) with the _____ (Area) Local, APWU as per the existing Constitution and Bylaws of the _____ (Area) Local. The time, date and location of the meeting must be specified.
 - See Sample Meeting Notice (Form SMF01) for additional information.
 - Conducting the Vote
 - At the regular membership meeting, the Chair is to conduct a vote **by either show of hands or** by secret ballot of those present and voting on the question of merging the _____ (Area) Local of the American Postal Workers Union, AFL-CIO (APWU) with the _____ (Area) Local, APWU as per the existing Constitution and Bylaws of the _____ (Area) Local.
 - See Sample Secret Ballot (Form SMF02) for additional information.

2.2 Local/Area Local Merging with a Local/Area Local

- Results
 - The question of merging must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the regular membership meeting.
 - If one or both of the involved Local(s) and/or Area Local(s) do not hold a vote in accordance with the language above, the APWU National Secretary-Treasurer will have the authority to poll the members of the involved Local(s) and/or Area Local(s) by secret ballot on the question of merger.
2. The following documents must be submitted to the APWU National Secretary-Treasurer after the completion of Step 1 above, whether approved or disapproved.
 - Request Form (Form MF01)¹ from each involved Local or Area Local.
 - Gaining Local or Area Local's Constitution and Bylaws.
 - Copy of meeting notice(s) from the involved Local/Area Local's regular membership meeting, if a vote was held.
 - Copy of meeting minutes from the involved Local/Area Local's regular membership meeting, if a vote was held.
 - Vote Tally Sheet (Form MF02), if a vote was held.
 - Local Officers Update Form (Form MF02), if changed and if merger is approved.
 3. The APWU National Secretary-Treasurer will send a letter, by certified mail with a return receipt, to the gaining Local or Area Local advising on actions that are to be taken to terminate the outgoing Local or Area Local.
 4. The following documents must be submitted to the appropriate offices with copies sent to the APWU National Secretary-Treasurer within thirty (30) days of receiving notification that the merger has been processed. The original reports are to be sent directly to the DOL and the IRS. *Failure to provide the APWU National Secretary-Treasurer with these copies within thirty (30) days will result in the rebate checks for the members of the outgoing Local or Area Local being held in escrow until the reports are received.*
 - LM-2, 3, or 4 Report – send to Department of Labor (DOL) with copy to the APWU National Secretary-Treasurer.
 - Terminating IRS Letter (Form MF04) – send to Internal Revenue Service (IRS) with copy to the APWU National Secretary-Treasurer.
 - Terminating DOL Letter (Form MF05) – send to Department of Labor with copy to the APWU National Secretary-Treasurer.
 - Assets Form (Form MF06) – send to the APWU National Secretary-Treasurer.
 5. Handling of Outgoing Local or Area Local's Treasury, Equipment, Supplies and Official Records
 - Pursuant to these guidelines adopted by the NEB, the outgoing Local or Area Local must turn local funds/assets over to the gaining Local or Area Local when closing out all checking and savings accounts.

2.2 Local/Area Local Merging with a Local/Area Local

- A determination is to be made on how the files are to be retained for the outgoing Local or Area Local and what is to be done with the equipment. The financial records of the outgoing Local or Area Local must be kept for the last five (5) years prior to the date of the merger.

¹The involved Local(s) and/or Area Local(s) may submit a written request, with signatures if required, in lieu of submitting the Request Form (Form MF01).

²Section III (G) is to be completed only if the involved Local(s) and/or Area Local(s) have ten (10) members or less and are completing the Request Form (Form MF01) in lieu of conducting a vote at a regular membership meeting.

2.3 Member-at-Large (MAL) Merger with a Local or Area Local

A Member-at-Large (MAL) merger is between a MAL office and a Local or Area Local. MALs may seek to merge with a Local or Area Local so long as the requesting MAL office is within the jurisdiction of the **gaining** Local or Area Local. Please refer to Section 1.2 Area Local Jurisdiction for further information.

1. The following actions must be completed by the MAL office wishing to merge with a Local or Area Local:

- Complete Request Form (Form MF01).
 - A majority [**fifty (50%) percent plus one (1)**] of the members in the MAL office must sign and approve of the merger by checking the appropriate box in the approve or disapprove section in order for the merger to be considered.
 - **The following sections of the Request Form (Form MF01) must be completed:**
 - **Section I**
 - **Section II (C)**
 - **Section III (F, G)**
- If the majority of MAL members fail to sign the Request Form (Form MF01) or fail to sign in approval of the merger, the APWU National Secretary-Treasurer or designee will conduct a vote on the question of merging with the involved Local or Area Local.
 - The question of merger must receive a majority vote [**fifty (50%) percent plus one (1)**] of the members voting.

2. The following actions must be taken by the involved Local or Area Local:

- Complete Request Form (Form MF01)¹.
 - **If the Local or Area Local has ten (10) members or less, it may complete Section III (G) of the Request Form (Form MF01) in lieu of conducting a vote at a regular membership meeting.**
 - A majority [**fifty (50%) percent plus one (1)**] of the members in the involved Local or Area Local must sign in favor of the merger in order for the merger to be considered.
 - **The following sections of the Request Form (Form MF01) must be completed:**
 - **Section I**
 - **Section II (C)**
 - **Section III (E, F & G²)**

OR

- Conduct a vote at a *regular* membership meeting on the question of merging with the involved MAL office.
 - Meeting Notice
 - The involved Local or Area Local must post on a regular meeting notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a vote will be conducted on the question of merging the _____ MAL Office of the American Postal Workers Union, AFL-CIO (APWU) with the _____ (Area) Local, APWU as per the existing Constitution and Bylaws of the _____

2.3 Member-at-Large (MAL) Merger with a Local or Area Local

- _____ (Area) Local, APWU. The time, date and location of the meeting must be specified.
- See Sample Meeting Notice (Form SMF01) for additional language.
 - Conducting the Vote
 - At the regular membership meeting, the Chair is to conduct a vote **by either show of hands or** by a secret ballot of those present and voting on the question of merging the _____ MAL Office of the American Postal Workers Union, AFL-CIO (APWU) with the _____ (Area) Local, APWU as per the existing Constitution and Bylaws of the _____ (Area) Local, APWU.
 - See Sample Secret Ballot (Form SMF02) for additional information.
 - Results
 - The question of merging the MAL office with the involved Local or Area Local must receive a majority vote [fifty (50%) percent plus one (1) of the members present and voting at the regular membership meeting.
3. The following documents must be submitted to the APWU National Secretary-Treasurer after the completion of steps 1 & 2 above.
- Request Form (Form MF01) – completed by the involved MAL office and the involved Local or Area Local.
 - Copy of meeting notice from the involved Local or Area Local’s regular membership meeting, if a vote was held.
 - Copy of meeting minutes from the involved Local or Area Local’s regular membership meeting, if a vote was held.
 - Vote Tally Sheet (Form MF02), if a vote was held.
4. The APWU National Secretary-Treasurer will notify the State President, Local/Area Local and Regional Coordinator that a *one-pay period hold* will be placed on the intended merger prior to implementation if the proposed merger crosses state lines.

¹The involved Local or Area Local may submit a written request, with signatures if required, in lieu of submitting the Request Form (Form MF01).

²Section III (G) is to be completed only if the involved Local or Area Local has ten (10) members or less and are completing Request Form (Form MF01) in lieu of conducting a vote at a regular membership meeting.

2.4 Member-at-Large (MAL) Disaffiliations

A MAL office may request to disaffiliate from a Local or Area Local and return to being Members-at-Large in the State Organization at the current national and state per capita tax rates. A MAL office may not consider the question of disaffiliation from the Local or Area Local for a period of two (2) years from the date of merger.

1. The following actions must be completed by the MAL office wishing to disaffiliate from a Local or Area Local:
 - Complete Request Form (Form MF01).
 - All members in the MAL office wishing to disaffiliate and return to being MALs in the State Organization must sign Section III (G) the Request Form (Form MF01) by checking the appropriate box in the approve or disapprove section.
 - **Seventy-five (75%) percent of the members in the MAL office must sign in favor of the disaffiliation in order for it to be considered.**
 - **The following sections of the Request Form (Form MF01) must be completed by the MAL office wishing to disaffiliate:**
 - **Section I**
 - **Section II (D)**
 - **Section III (D, E, F & G)**
2. A copy of the completed Request Form (Form MF01) from the MAL office must be returned to the APWU National Secretary-Treasurer whether the MAL office approves or disapproves the question of disaffiliation. If seventy-five (75%) percent of the members in the MAL office do not sign in approval of the disaffiliation, the issue is considered closed and cannot be raised again for a period of six (6) years.
3. Upon receipt of the Request Form (Form MF01) in which the MAL office approves the question of disaffiliation, the APWU National Secretary-Treasurer shall notify, by certified mail with a return receipt, the following parties in order to afford an opportunity for the involved parties to meet and attempt to resolve the issues causing the request:
 - Involved Local or Area Local
 - Involved MAL office
 - Regional Coordinator
4. The involved Local or Area Local and Regional Coordinator will have thirty (30) days from the date of receipt of the notice from the APWU National Secretary-Treasurer to respond to the APWU National Secretary-Treasurer on the efforts to being about a reconciliation of all parties involved.
 - If an agreement *is* reached among the parties, the disaffiliation case will be closed.
 - If an agreement *is not* reached among the parties, the actions outlined in number five (5) below must be taken.
5. If an agreement *is not* reached among the parties, the APWU National Secretary-Treasurer will notify, by certified mail with a return receipt, the involved Local or Area Local and the involved MAL office that the involved Local or Area Local is to initiate action to conduct a vote by its membership at a

2.4 Member-at-Large (MAL) Disaffiliations

special membership meeting on whether or not to allow the disaffiliation. The vote action is to be conducted within ninety (90) days of receipt of the APWU National Secretary-Treasurer's notice.

- Meeting Notice
 - The involved Local or Area Local must post a notice for thirty (30) days, advising on the date, time and location of conducting a special membership meeting on the question of permitting the _____ MALs of the American Postal Workers Union, AFL-CIO (APWU), Finance Number _____ to disaffiliate from the _____ (Area) Local, APWU and become Members-at-Large with the APWU State Organization.
 - See Sample Meeting Notice (Form SMF01) for additional information.
- Conducting the Vote
 - A spokesperson for each requesting side will be afforded an equal amount of time to give a presentation at the special membership meeting where the vote will be conducted.
 - The Chair is to conduct a vote **by either show of hands or** by secret ballot of those present and voting on the question of permitting the _____ MALs of the American Postal Workers Union, AFL-CIO (APWU), Finance Number _____ to disaffiliate from the _____ (Area) Local, APWU and become Members-at-Large with the APWU State Organization.
 - See Sample Secret Ballot (Form SMF02) for additional information.
- Results
 - The question of disaffiliation must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the special membership meeting.

6. The following documents must be submitted by the involved Local or Area Local after completion of the vote action at the special membership meeting, whether approved or disapproved.

- Copy of meeting notice from the involved Local or Area Local's special membership meeting, if a vote was held.
- Copy of meeting minutes from the involved Local or Area Local's special membership meeting, if a vote was held.
- Vote Tally Sheet (Form MF02), if a vote was held.

7. If the MAL merger disaffiliation request is approved by vote of the MAL members and the Local or Area Local's membership, the APWU National Secretary-Treasurer will process the request and notify all parties involved by certified mail with a return receipt. The disaffiliation shall be effective the first of the month following the Local or Area Local's vote at the special membership meeting.

8. If the MAL merger disaffiliation request fails by vote of the MAL members or the Local or Area Local's membership, the issue may not be raised for six (6) years by any party involved. The APWU National Secretary-Treasurer will send notification on this matter to all parties involved.

2.5 Disaffiliation by a Former Local or Area Local

A **former** Local or Area Local may request to disaffiliate from a Local or Area Local and reactive the **former** Local or Area Local and all offices represented by it at the time of the original merger. A **former** Local or Area Local may not consider the question of disaffiliation from the Local or Area Local with which it merged for a period of two (2) years from the date of the original merger.

Important points regarding **former** Local and Area Local disaffiliations. *Please note no exceptions will be permitted.*

- A. **Prior approval for a disaffiliation vote must be received from the APWU National Secretary-Treasurer.**
 - B. The requesting **former** Local or Area Local may not seek simultaneously to merge with another Local or Area Local or to become Members-at-Large (MAL) in the State Organization.
 - C. If the disaffiliation vote passes, the requesting **former** Local or Area Local will reactivate that Local or Area Local and all offices represented by that Local or Area Local at the time of the original merger will be returned to that Local or Area Local's jurisdiction.
 - D. In no instance will a request for disaffiliation be allowed for a jurisdictional area other than that of the original "merger Local".
 - E. The "chartered" office of the Area Local may not seek to disaffiliate from the other offices of that Area Local if it would result in the possible dissolution of the Area Local.
 - F. If the requesting Area Local is made up of only the two (2) Locals hat initiated the merger into an Area Local, neither office may seek a disaffiliation that would result in the dissolution of the Area Local.
1. The **former** Local or Area Local requesting to disaffiliate is to return the following documents to the APWU National Secretary-Treasurer:
 - Request Form (Form MF01)¹.
 - **All members in the former Local or Area Local requesting to disaffiliate from a Local or Area Local must sign Section III (G) of the Request Form (Form MF01) by checking the appropriate box in the approve or disapprove section.**
 - Seventy-five (75%) percent of the members in the former Local or Area Local must sign in favor of disaffiliation in order for it to be considered.
 - **The following sections of the Request Form (Form MF01) must be completed by the former Local or Area Local requesting to disaffiliate:**
 - **Section I**
 - **Section II (E)**
 - **Section III (D, E, F & G)**
 - List of current members and addresses that would constitute the membership of the "Reestablished Local or Area Local".
 - Proposed Constitution and Bylaws of the "Reestablished Local or Area Local".
 - List of Intended Offices (Form MF07).

2.5 Disaffiliation by a Former Local or Area Local

2. Upon receipt of the items listed in number one (1) above, the APWU National Secretary-Treasurer shall notify, by certified mail with a return receipt, the following parties in order to afford an opportunity for the involved parties to meet and attempt to resolve the issues causing the request:
 - Involved Local or Area Local
 - Regional Coordinator
3. The involved Local or Area Local and the Regional Coordinator will have thirty (30) days from the date of receipt of the notice from the APWU National Secretary-Treasurer to respond to the APWU National Secretary-Treasurer on the efforts to bring about a reconciliation of all parties involved.
 - If an agreement *is* reached among the parties, the disaffiliation case will be closed and no further action will be taken.
 - If an agreement *is not* reached among the parties, the actions outlined in number four (4) below must be taken.
4. If an agreement *is not* reached among the parties, the APWU National Secretary-Treasurer will notify, by certified mail with a return receipt, the involved Local or Area Local to initiate action to conduct a vote by its membership at a *special* membership meeting on whether or not to allow the disaffiliation. The vote action is to be conducted within ninety (90) days of receipt of the APWU National Secretary-Treasurer's notice.
 - Meeting Notice
 - The involved Local or Area Local must post a notice for thirty (30) days, advising on the date, time and location of conducting a special membership meeting on the question of permitting the **former** _____ (Area) Local of the American Postal Workers Union, AFL-CIO (APWU), Finance Number _____ to disaffiliate from the _____ (Area) Local, APWU and reconstitute the former _____ (Area) Local, APWU.
 - See Sample Meeting Notice (Form SMF01) for additional information.
 - Conducting the Vote
 - A spokesperson for each requesting side will be afforded an equal amount of time to give a presentation at the special membership meeting where the vote will be conducted.
 - The Chair is to conduct a vote **by either show of hands or** by secret ballot those present and voting the question of permitting the **former** _____ (Area) Local of the American Postal Workers Union, AFL-CIO (APWU), Finance Number _____ to disaffiliate from the _____ (Area) Local, APWU and reconstitute the former _____ (Area) Local, APWU.
 - See Sample Secret Ballot (Form SMF02) for additional information.
 - Results
 - The question of disaffiliation must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the special membership meeting.

2.5 Disaffiliation by a Former Local or Area Local

5. The following documents must be submitted by the involved Local or Area Local after completion of the vote action at the special membership meeting, whether approved or disapproved.
 - Copy of meeting notice from the involved Local or Area Local special membership meeting, if a vote was held.
 - Copy of meeting minutes from the involved Local or Area Local special membership meeting, if a vote was held.
 - Vote Tally Sheet (Form MF02), if a vote was held.
6. If the disaffiliation *is not* approved at the Local or Area Local's special membership meeting, the issue may not be raised for six (6) years by any party involved. The APWU National Secretary-Treasurer will send notification to all parties involved by certified mail with a return receipt.
7. If the disaffiliation *is* approved, the reinstated Local or Area Local is to take the following actions:
 - Hold a special Local union election of officers for all officer positions as outlined by the proposed Local Union Constitution and Bylaws within forty-five (45) days of receipt of notification from the APWU National Secretary-Treasurer.
 - File an election report with the APWU National Secretary-Treasurer upon the completion of the election process for Local officers.
 - File reports with the following agencies with copies sent to the APWU National Secretary-Treasurer. Upon receiving the information from the reports below, the reinstated Local or Area Local must send the numbers to the APWU National Secretary-Treasurer:
 - Department of Labor (DOL) to obtain a LMSA File Number.
 - Internal Revenue Service (IRS) to obtain an Employer Identification Number (EIN).
8. The reinstated Local or Area Local is responsible for filing all future reports with the DOL and the IRS.

¹The involved former Local or Area Local may submit a written request, with signatures if required, in lieu of submitting the Request Form (Form MF01).

2.6 Dissolving a Local to Become Members-at-Large (MALs)

A Local may seek to dissolve their charter and become Members-at-Large (MALs) within the State Organization.

1. The following actions must be completed by the involved Local wishing to dissolve and become Members-at-Large (MALs) in the State Organization.

Complete Request Form (Form MF01)¹

- All members in the Local wishing to dissolve and becomes MALs in the State Organization must sign Section III (G) of the Request Form (Form MF01) by checking the appropriate box in the approve or disapprove section.
 - **A majority [fifty (50%) percent plus one (1)] of the members in the Local wishing to dissolve must sign in favor of the dissolution in order for it to be considered.**
- If a member is on leave at the time the request is made, the Request Form (Form MF01) is to be sent to the member at his/her last known address to afford the fullest opportunity for him/her to fix his/her signature to the form noting the date when the form is to be returned.
- **The following sections of the Request Form (Form MF01) must be completed:**
 - **Section I**
 - **Section II (F)**
 - **Section III (D, E, F & G)**

OR

If all members of the Local fail to sign the Request Form (Form MF01), the Local must conduct a vote at a *regular* membership meeting on the question of dissolving the Local and becoming Members-at-Large (MALs) in the State Organization. **See number two (2) below for additional information regarding conducting a vote at a regular membership meeting.**

2. Conduct a vote at a *regular* membership meeting on the question of dissolution.

Meeting Notice

- The involved Local must post a notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a vote will be conducted on the question of dissolving the _____ (Area) Local of the American Postal Workers Union, AFL-CIO (APWU) to the status of Members-at-Large with the APWU State Organization as per the existing Constitution and Bylaws of the (State) Postal Workers Union, APWU. The time, date and location of the meeting must be specified.
- See Sample Meeting Notice (Form SMF01) for additional information and language.

Conducting the Vote

- At the regular membership meeting, the Chair is to conduct a vote **by either show of hands or** by secret ballot of those present and voting question of dissolving the _____ (Area) Local of the American Postal Workers Union, AFL-CIO (APWU) to the status of Members-at-Large with the APWU State Organization as per the existing Constitution and Bylaws of the (State) Postal Workers Union, APWU

2.6 Dissolving a Local to Become Members-at-Large (MALs)

- See Sample Secret Ballot (Form SMF02) for additional information.
- Results
- The question of dissolution must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the regular membership meeting.
3. The following documents must be submitted to the APWU National Secretary-Treasurer after the completion of the Request Form (Form MF01) and/or vote, whether approved or disapproved.
- Request Form (Form MF01) – completed by the involved Local.
 - Copy of meeting notice from the involved Local’s regular membership meeting, if a vote was held.
 - Copy of meeting minutes from the involved Local’s regular membership meeting, if a vote was held.
 - Vote Tally Sheet (Form MF02), if a vote was held.
4. The APWU National Secretary-Treasurer will send a letter, by certified mail with a return receipt, to the State Organization advising on the effective date of dissolution and actions that are to be taken to terminate the outgoing Local.
5. The following documents are to be submitted to the appropriate offices with copies sent to the APWU National Secretary-Treasurer within thirty (30) days of receiving notification that the dissolution has been processed. The original reports are to be sent directly to the DOL and the IRS. *Failure to provide the APWU National Secretary-Treasurer with these copies within thirty (30) days will result in the rebate checks for the members of the outgoing Local being held in escrow until the reports are received.*
- LM-2, 3 or 4 Report – send to Department of Labor (DOL) with copy of the APWU National Secretary-Treasurer.
 - Terminating IRS Letter (Form MF04) – send to Internal Revenue Service (IRS) with copy of the APWU National Secretary-Treasurer.
 - Terminating DOL Letter (Form MF05) – send to Department of Labor with copy to the APWU National Secretary-Treasurer.
 - Assets Form (Form MF06) – send to the APWU National Secretary-Treasurer.
6. Handling of Outgoing Local’s Treasury, Equipment, Supplies and Officials Records.
- Pursuant to these guidelines adopted by the NEB, the outgoing Local must turn local funds/assets over to the State Organization when closing out all checking and savings accounts.
 - A determination is to be made on how the files are to be retained for the outgoing Local and what is to be done with the equipment. The financial records of the outgoing Local must be kept for the last five (5) years prior to the date of the dissolution.

¹The involved Local may submit a written request, with signatures if required, in lieu of submitting the Request Form (Form MF01).

2.7 Non-Mail Processing Facilities Jurisdiction Procedures (adopted March 28, 2006)

The following guidelines and procedures are effective retroactively from the beginning date when a Non-Mail Processing Facility was being organized by the APWU. The APWU National Secretary-Treasurer is designated as the appropriate officer for implementation of these procedures. Please refer to Section 1.1 for further information regarding Non-Mail Processing Facilities. The Local or Area Local in the same city and/or location as the Non-Mail Processing Facility will be afforded the opportunity to take jurisdiction of that Non-Mail Processing Facility. This jurisdiction will be effective for a period of no more than two (2) years after the first contract is negotiated with the management of that facility.

1. At the end of the two-year period, the APWU National Secretary-Treasurer will send a letter to the members of the Non-Mail Processing Facility asking if they wish to:
 - Continue to remain a member of that APWU Affiliate
 - If the members of the Non-Mail Processing Facility choose to remain members of the APWU Affiliate, the issue will be considered closed and no further action will be taken.
 - To establish a new Local
2. If the members of the Non-Mail Processing Facility choose to establish a new Local, the following action must be completed:
 - Completed Request Form (Form MF01)
 - **All members of the Non-Mail Processing Facility wishing to establish a new Local must sign Section III (G) of the Request Form (Form MF01) by checking the appropriate box in the approve or disapprove section.**
 - Seventy-five (75%) percent of the APWU members in the Non-Mail Processing Facility must sign in favor of establishing a new Local in order for it to be considered.
 - **The following sections of the Request Form (Form MF01) must be completed:**
 - **Section I**
 - **Section II (G)**
 - **Section III (E, F & G)**
3. The completed Request Form (Form MF01) is to be sent to the APWU National Secretary-Treasurer, whether or not seventy-five (75%) percent of the APWU members in the Non-Mail Processing Facility signed in favor of establishing a new Local
 - If seventy-five (75%) percent of the APWU members *do not* sign or do not sign in favor of establishing a new Local, the issue will be considered closed.
 - If seventy-five (75%) percent of the APWU members *do* sign in favor of establishing a new Local, the actions outlined in number four (4) below must be taken.
4. The APWU National Secretary-Treasurer will notify the involved Local or Area Local, by certified mail with a return receipt, that the members of the Non-Mail Processing Facility have expressed a desire to establish a new Local. The Local or Area Local will have thirty (30) days from receipt of that letter to notify if the Local or Area Local is agreeable to allowing the members to leave the Local or Area Local and to establish a new Local.

2.7 Non-Mail Processing Facilities Jurisdiction Procedures (adopted March 28, 2006)

- If *no* protest is received from the Local or Area Local, the APWU National Secretary-Treasurer will process the request by certified mail with a return receipt. See number 9 below regarding the actions to be taken by the newly-established Local.
 - If *there is* a protest by the Local or Area Local, the question of allowing the Non-Mail Processing Facility members to for a new Local will be taken to the National Executive Board.
5. The APWU National Secretary-Treasurer will present the request to the National Executive Board for direction on the following issues:
- To conduct a jurisdictional representation vote of all members of the Local or Area Local, to be held at a *special* membership meeting. See number six (6) below regarding the steps to be taken to conduct the vote.

OR

- To allow the members to establish a new Local without a jurisdictional vote. See number 9 below regarding the actions to be taken by the newly-established Local.
6. Conducting a jurisdictional representation vote.
- The APWU Secretary-Treasurer shall work in conjunction with the affected Regional Coordinator to conduct the jurisdictional representation vote. During the vote process, the dues of the members from the Non-Mail Processing Facility will be held in abeyance by the APWU National Secretary-Treasurer for no more than three (3) pay periods.
 - The cost of the vote and related expenses will be borne by the APWU, or the National Executive Board may determine to charge on a proportionate basis each affected Local or Area Local.
 - Meeting Notice
 - The involved Local or Area Local must post a notice for thirty (30) days, advising on the date, time and location of conducting a special membership meeting at which the disaffiliation request will be voted on.
 - See Sample Meeting Notice (Form SMF01) for additional information.
 - Conducting the Vote
 - A spokesperson for each requesting side will be afforded an equal amount of time to give a presentation at the special membership meeting where the vote will be conducted.
 - The Chair is to conduct a vote **by either show of hands or** by secret ballot of those present and voting.
 - See Sample Secret Ballot (Form SMF02) for additional information **if conducting the vote by secret ballot.**
 - Results
 - The question of permitting the involved Non-Mail Processing Facility to establish a new Local must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the special membership meeting.

2.7 Non-Mail Processing Facilities Jurisdiction Procedures (adopted March 28, 2006)

7. The following documents must be submitted to the APWU National Secretary-Treasurer after the completion ballot vote, whether approved or disapproved.
 - Copy of meeting notice from the involved Local or Area Local and Non-Mail Processing Facility's special membership meeting.
 - Copy of meeting minutes from the involved Local or Area Local and Non-Mail Processing Facility's special membership meeting.
 - Vote Tally Sheets (Form MF02).

8. If the vote to establish a new Local does **not pass**, the issue may not be raised for six (6) years from the date of the vote by any party involved. The APWU National Secretary-Treasurer will send notification to all parties involved by certified mail with a return receipt.

9. If the vote to establish a new Locals **is** approved, the following actions are to be taken:
 - By the APWU National Secretary-Treasurer
 - Send notification to all parties involved.
 - Forwarded any dues money held to the newly-established Local to help establish a local treasury to have the proper resources for providing service and representation to the members involved.
 - By the newly-established Local
 - Hold a special Local union election of officers for all officer positions as outlined by the proposed Local Union Constitution and Bylaws within forty-five (45) days of receipt of notification from the APWU National Secretary-Treasurer.
 - File an election report with the APWU National Secretary-Treasurer upon the completion of the election process for Local officers. The newly elected officers will take office on the first Monday after the Election Committee gives the Official Election Report after tallying the ballots.
 - File reports with the following agencies with copies sent to the APWU National Secretary-Treasurer. Upon receiving the information from the reports below, the reinstated Local or Area Local must send the numbers to the APWU National Secretary-Treasurer:
 - Department of Labor (DOL) to obtain a LMSA File Number.
 - Internal Revenue Service (IRS) to obtain an Employer Identification Number (EIN).
 - The newly established Local is responsible for filing all future reports with the DOL and the IRS.

2.8 Consolidated, Excessing Installations and/or New Installations (adopted March 28, 2006)

The following guidelines and procedures concern the representation and affiliation of APWU represented employees in the following circumstances:

- Where a new installation, that opened after September 22, 1993 and to this present date, was not afforded an opportunity to conduct a jurisdictional referendum vote
- Where two (2) or more independent postal installations are consolidated resulting in excessing of employees

The present or designee of each of the affected Locals or Area Locals will be designated by the APWU National President and/or designee to participate in each stage (listed below) of the advanced preparation and planning for the new consolidated installation.

All unresolved disputes will be decided by the APWU National President and/or designee. Decisions of the APWU National President may be appealed to the National Executive Board for reconsideration.

The above is true except in circumstances where an existing installation is consolidated or constructed adjacent to or as an extension of an ongoing installation. Such cases will be decided by the National Executive Board on a case-by-case basis.

1. Newly Consolidated Installations

Stage 1: Discuss Working Conditions

- No later than sixty (60) days prior to the effective date of opening the consolidated installation, the present or designee of each affected Local shall meet to select a committee and spokesperson for the purpose of discussing working conditions in the new installation with the USPS representative.
 - In the event the representatives cannot reach unanimous agreement on the makeup of the committee, spokesperson and/or the agenda, the APWU National President and/or designee shall select from those represented.

Stage 2: Designate Stewards

- No later than thirty (30) days prior to the effective date of opening the consolidated installation, the president or designee of each affected Local shall meet to designate stewards from those employees identified as excessed to the new installation.
- Each president shall select stewards in direct proportion to the number of APWU represented employees targeted for excessing from their respective offices.
 - The APWU National President and/or designee will resolve all disputes on fractions of representation in the event the presidents are unable to reach agreement.

Stage 3: Conduct Jurisdictional Representation Referendum Vote

- No sooner than one hundred and eighty (180) days and no later than two hundred and ten (210) days after the opening of the new consolidated installation, a date will be determined for a jurisdictional representation referendum vote in the installation.

2.8 Consolidated, Excessing Installations and/or New Installations (adopted March 28, 2006)

- Consolidated installations that are fully staffed, effective the opening date of the office, will conduct a jurisdictional representation referendum vote within thirty (30) days. See # 2 below.
 - The National Executive Board shall be empowered to determine whether or not the office meets the “fully staffed” criteria.

2. Consolidation of Two (2) or More Postal Installations

Stage 1: Letters of Interest & Intent

- The APWU National Secretary-Treasurer will send a Letter of Interest, certified with a return receipt, to all affected Locals or Area Locals, asking for each affected Local or Area Local to respond with a Letter of Intent on whether or not their Local or Area Local is interested in representing the employees in the consolidated installation.
- The affected Locals or Area Locals must respond to the APWU National Secretary-Treasurer with their Letter of Intent within thirty (30) days of receipt of the Letter of Interest.
 - The Letter of Intent must be sent by certified mail with a return receipt to the APWU National Secretary-Treasurer at 1300 L Street, NW, Washington, DC 20005.

Stage 2: Jurisdictional Representation Referendum Vote

- The APWU National Secretary-Treasurer shall work in conjunction with the affected Regional Coordinator to conduct the jurisdictional representation referendum vote for installations that are fully staffed effective the opening date of the office.
- The Local dues rebate for those members excessed to the new installation shall be rebated to the respective Locals or Area Locals. Such dues money shall be under the jurisdiction of the respective Locals or Area Locals for the initial 180-day period. All dues rebates received after the 180-day period shall be held in escrow by the respective Locals or Area Locals to be transferred in total to the Local or Area Local selected in the jurisdiction referendum vote process.
- The cost of the vote and related expenses will be born by the APWU, or the National Executive Board may determine to charge on appropriate basis each affected Local.
- The jurisdictional referendum vote ballot will include the name of each affected Local or Area Local and the option of establishing a newly-chartered Local. If there is more than one (1) Local or Area Local involved, a drawing will occur by the APWU National Secretary-Treasurer to determine placement on the ballot of all Locals involved. Establishing a new Local will be placed last on the ballot.
- A thirty (30) day notice will be posted in all offices of the affected Local or Area Local and the involved installation, advising on the date, time and location of conducting the jurisdictional referendum vote.
- The question of permanent jurisdiction must receive a majority vote [fifty (50%) percent plus one (1)] of the members voting in this jurisdictional referendum vote.
- After completion of the vote action, whether approved or disapproved, the involved Local or Area Local is to submit the following to the APWU National Secretary-Treasurer.

Section 3: Addendums

Section 3: Addendums

#1 – POSTPLAN Jurisdictional Guidelines (adopted October 27, 2014)

The APWU National Secretary-Treasurer is designated as the appropriate officer for implementation of the following procedures:

1. Where an APO is under the jurisdiction of an APWU Local, all RMPOs reporting to the APO will be represented by and fall under the jurisdiction of the same local.
2. Where an APO is an existing Member at Large (MAL) office represented by a State APWU organization, and all RMPOs reporting to the APO are also MAL offices, all the offices will be represented by the State organization.
3. In a situation where the APO is an MAL office represented by the State APWU and an RMPO within the installation/bid cluster is represented by an APWU Local, representation will be determined on a case by case basis by the National Executive Board. The affected Local or State President will make a written request to the office of the Secretary-Treasurer requesting a determination of jurisdiction within 30 days of becoming aware of a question of jurisdiction. The National Executive Board reserves sole authority to determine representation status under such circumstances.

Section 3: Addendums

#2 – Remote Encoding Centers Jurisdictional Guidelines (adopted March 28, 1994)

The following guidelines and procedures are concerning assignment of local jurisdiction for newly-activated **Remote Encoding Centers (REC)**. The APWU National Secretary-Treasurer is designated as the appropriate officer for implementation of the following procedures:

1. The Local which represents the Postal Installation, as defined by the 1990 National Agreement, in the same city as the newly-activated Remote Encoding Center shall have jurisdiction for that Remote Encoding Center.
2. In the events more than one Local represents a Postal Installation and/or facility in a city where the new Remote Encoding Center is activated, local jurisdiction will be assigned to the Local representing the following facilities in the order listed:
 - A. The Processing and Distribution Facility;
 - B. The Customer Services Facility.
3. The National Executive Board retains the right to determine if a Local is of insufficient size to effectively provide representation to a Remote Encoding Center.
4. Except where a Remote Encoding Center is a part of the existing installation for contact administration purposes, a Local shall be offered an opportunity to reject the assignment of jurisdiction within thirty (30) days after receipt of notification from APWU National Secretary-Treasurer.
5. The National Executive Board reserves sole authority to determine jurisdiction for Remote Encoding Centers.