

Presidential rulings

**CARLOS VILLALOBOS—MESA, AZ,
BRANCH 1902**
JUNE 3, 2022 (8664)

This is in reply to your letter, dated June 2 2022, requesting dispensation permitting Branch 1902 to change the date of its regular meeting in August from the second to the third Wednesday. Presumably, the purpose of this change would be to avoid a conflict with the 2022 National Convention. According to your letter, any attempt by the Branch to reschedule the meeting by itself would violate the Branch By-laws.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. As indicated in your letter, please be sure to provide appropriate and timely notice of this change to the members of the Branch.

I trust that the foregoing addresses your concerns.

**LOUIS HILL—MONTEREY, CA,
BRANCH 1310**
JUNE 7, 2022 (8662)

This is in reply to your letter, dated May 20, 2022, requesting dispensation permitting Branch 1310 to waive the minimum meeting attendance requirement set forth in the Branch By-laws for paid delegates to the 2022 National Convention. The By-laws apparently require that delegates must have attended 50 percent of meetings in order to receive payment. According to your letter, it wasn't possible for delegates to meet this threshold due to COVID and the lack of a Zoom meeting option.

It does appear that the By-laws preclude payment, so that your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant dispensation permitting Branch 1310 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter. Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*. The members may vote to establish the number of paid delegate positions to which members may be elected and any criteria delegates must satisfy in order to receive Branch funds.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**DAVID HOWARD—WEST RICHLAND,
WA, BRANCH 3877**
JUNE 7, 2022 (8663)

This is in reply to your letter, received by my office May 31, 2022, advising that the President of Branch 3877 has resigned and that the Branch Vice President does not wish to serve as President. After consultation with National Business Agent Nick Vafiades and other members of the Branch, you now ask for dispensation permitting the Branch to conduct a special election for President.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 3877 dispensation to conduct a special election for Branch President. By copy of this letter, I am directing Brother Vafiades to provide whatever assistance the Branch may require to conduct the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**JIM THIGPENN & DENNIS BONILLA—
JACKSONVILLE, FL, BRANCH 53**
JUNE 8, 2022 (8664 & 8674)

This is in reply to your recent letters dated June 2, 2022, advising that Branch 53 recently adopted a motion to endorse a candidate for National Business Agent in the upcoming national election. You both ask for a presidential ruling on the propriety of such a motion.

While I appreciate your concerns, I must advise that there is no basis for a ruling on this matter. There are no provisions in the *NALC Constitution* which address this issue. The *NALC Regulations Governing Branch Election Procedures*, cited in your letter, do not apply to national elections.

As to the law, in a previous NALC election that was protested by a member, the Department of Labor concluded that a Branch endorsement of national candidates did not violate the Labor Management Reporting and Disclosure Act. Thus, neither of the two motions to endorse described in your letters were necessarily out of order.

I cannot comment on whether the second of the two motions was out of order for any other reason. Questions of parliamentary procedure must be resolved by the Branch. The decision of the chair of the meeting would have been subject to challenge and a vote by the members.

The Department of Labor also determined that including an endorsement in the meeting minutes and publishing the minutes in the back pages of a Branch newsletter is permissible as part of the reporting of regular Branch business. Accordingly, the Branch should not give undue emphasis to an endorsement if it reports it to the membership.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**DAVID NORTON—PORTLAND, OR,
BRANCH 82**
JUNE 9, 2022 (8676)

Your email to Secretary-Treasurer Nicole Rhine, sent June 8, 2022, has been referred to me for reply. In your email, you ask whether Branch 82 is required to publish and vote on any proposed resolution submitted by any member of the Branch.

So far as the *Constitution* is concerned, the answer to your question is no. The *Constitution* does not contain any provisions pertaining to the procedures Branches are to follow in approving resolutions. Branches retain the authority to adopt reasonable rules governing the procedures for consideration and voting on proposed resolutions. Accordingly, members must observe any rules for consideration of resolutions that the Branch itself may have enacted.

It would be inappropriate for me to comment on whether the actions described in your email were consistent with the Branch 82 By-laws. Disputes over the interpretation or application of By-laws must be resolved at the Branch level. Moreover, decisions of the Branch President may be appealed to the Branch under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*. This letter should not be read to express any view as to the merits of any appeal.

I trust that the foregoing addresses your concerns.

**NICK VAFIADES—VANCOUVER, WA,
REGION 2**
JUNE 9, 2022 (8677)

This is in reply to your letter, dated May 31, 2022, requesting dispensation authorizing your office to conduct a special election of officers in Branch 1296. According to your letter, the President of the Branch has resigned, and all other officer positions are vacant.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 1296 may conduct a special election for all vacant officer positions under the supervision of your office. Please make the necessary arrangements as expeditiously as possible.

Thank you for bringing this matter to my attention.

**AL COLEMAN—CARSON, CA, BRANCH
1100**
JUNE 14, 2022 (8672)

This is in reply to your letter, received by my office June 6, 2022, concerning charges that you have filed against the President of Branch 1100.

While I appreciate your concerns, I must advise that any intervention by the National Union on this matter would be completely in-

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appropriate. Charges must be investigated and resolved at the branch level in accordance with the procedures set forth in Article 10 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision may be appealed to the National Committee on Appeals under Article 11 of the *CGSFB*.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to any issue pertaining to your pending charges.

JOHN McPHERSON—NORTH HIGHLAND, CA, BRANCH 133
JUNE 14, 2022 (8679)

This is in reply to your email, sent June 10, 2022, requesting guidance with respect to Branch 133's consideration of a proposed amendment to its By-laws. According to your email, the Branch inadvertently failed to present the report of the By-law Committee at its June meeting as required by the Branch By-laws.

At the outset, I must advise that it would be inappropriate for me to rule on any issue of By-law compliance. As National President, it is my responsibility to interpret the *NALC Constitution*. However, issues involving the interpretation or application of Branch By-laws must be resolved by the Branch itself. I can provide the following guidance.

Proposed amendments to Branch By-laws are governed by Article 15 of the *NALC Constitution*. Article 15 permits Branches to amend their By-laws "from time to time as may be deemed most expedient." As previous presidential rulings have recognized, this provision vests Branches with authority to adopt reasonable rules governing the procedures for consideration and voting on proposed By-laws. Accordingly, the Branch would have discretion to postpone a previously scheduled vote. Of course, the Branch would be required to renotify the members of the vote.

Apart from Article 15 Branches must comply with any additional rules in their By-laws for enacting amendments. I would be prepared to consider a request for dispensation, if necessary, to allow the Branch to proceed in a manner which is inconsistent with its By-laws.

I trust that the foregoing addresses your concerns, at least in part.

JOHN McPHERSON—NORTH HIGHLAND, CA BRANCH 133
JUNE 14, 2022 (8680)

This is in reply to your email, sent June 10, 2022, inquiring whether a certain member who was elected as a delegate from Branch 133 to the National Convention may continue to represent the Branch after his transfer to Branch 421.

The answer to your question is no. Delegates must be members of the branches they

represent at the time of the convention. The facts described in your letter indicate that the member in question is not eligible to represent Branch 133 as a delegate.

In response to your second question, it does not appear that this member would be eligible to serve as a delegate from Branch 421 since he was not nominated or elected as a delegate by that Branch. Accordingly, the issue of expenses is moot.

I trust that the foregoing addresses your concerns.

KAREN GREEN—HOUSTON, TX, BRANCH 283
JUNE 14, 2022 (8681)

This is in reply to your letter, received by my office on June 8, 2022, inquiring whether you would be disqualified from continuing to serve as a Trustee of Branch 283 if you were to apply for detail as an Employment Development Specialist, and, if so, how long the disqualification would last.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* provides that a member who holds, accepts, or applies for a supervisory position is not eligible to hold any office in the Branch for a period of two years following withdrawal or denial of the application or termination of supervisory status. However, as previous rulings have repeatedly held, higher level, non-bargaining unit positions are not necessarily supervisory for purposes of Article 5, Section 2.

Generally speaking, a position is considered supervisory, within the meaning of Article 5, Section 2, if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties. Unfortunately, I cannot determine from the job description included with your letter whether the Employment Development Specialist position would carry supervisory authority or responsibility. It will be the Branch's responsibility to determine whether the position carries supervisory authority. If necessary, the Branch may discuss the matter with management.

If it is determined that the position does not entail supervisory responsibilities, then you would not be disqualified from continuing to serve as an officer if you were to apply for or served in that position.

I trust that the foregoing addresses your concerns.

AMANDA BECKLEY—GARDEN CITY, KS, BRANCH 1412
JUNE 15, 2022 (8682)

This is in reply to your letter, dated June 10, 2022, requesting dispensation allowing Branch 1412 to register its delegates to the National Convention, notwithstanding your failure to meet the registration deadline. Your letter indicates that the delay in registering

delegates was due to a miscommunication between Branch officers.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Nicole Rhine.

Please understand that this dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

PARRISH SHAW—PHENIX CITY, AL, BRANCH 3122
JUNE 15, 2022 (8683)

This is in reply to your letter, received by my office May 30, 2022, advising that the President of Branch 3122 has resigned and that the Branch Secretary has apparently left postal employment. You now ask for dispensation permitting the Branch to conduct a special election.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 3122 dispensation to conduct a special election for Branch President, Secretary, and any other vacant officer positions. By copy of this letter, I am directing National Business Agent Steve Lissan to provide whatever assistance the Branch may require to conduct the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

CRAIG SCHADEWALD—NEW BERN, NC NORTH CAROLINA STATE ASSOCIATION OF LETTER CARRIERS
JUNE 15, 2022 (8684)

This is in reply to your letter, dated June 4, 2021, requesting dispensation permitting the North Carolina State Association to reschedule the dates of its 2023 convention to avoid a conflict with the new Juneteenth federal holiday.

Please be advised that the requested dispensation is not necessary. As State Association President, you and the Executive Board have the authority under the *Constitution* to change the date and location of a state convention. The relevant provision is Article 3, Section 1 of the *Constitution for the Government of State Associations* which reads as follows:

This Association shall meet at least once every three years, at such time and place as may be designated in the by-laws or decided upon by a majority vote at a previous session unless conditions should arise which require a change in the date and place decided upon or designated, when the President and Ex-

ecutive Board shall have authority to make such change of time or place and report same through the Secretary.

The date changes described in your letter would be consistent with this authority.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOHN McPHERSON—NORTH HIGHLAND, CA, BRANCH 133
JUNE 16, 2022 (8689)

This is in reply to your email, sent June 14, 2022, requesting dispensation to allow Branch 133 to continue with the processing of the proposed bylaw changes discussed in previous correspondence. Specifically, you are requesting that the bylaw committee be allowed to offer their report at the June membership meeting following the second reading of the bylaws and that the vote be held at the June membership meeting. According to your previous correspondence, dispensation from me is necessary because the proposed procedure is technically inconsistent with current By-law provisions governing amendments.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice of the vote on the proposed amendments is provided to all active and retired members of the Branch.

I trust that the foregoing addresses your concerns.

CHRIS OAKLEY—TARBORO, NC, BRANCH 1719
JUNE 22, 2022 (8690)

This is in reply to your letter, dated June 16, 2022, advising that the President of Branch 1719 has resigned and that there is a unanimous agreement in the Branch to fill the vacancy by a special election. You now ask for dispensation permitting the Branch to conduct a special election.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 1719 dispensation to conduct a special election for Branch President. By copy of this letter, I am directing National Business Agent Lynne Pendleton to provide whatever assistance the Branch may require to conduct the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ROSEANN HARDENFELDER—SAINT JAMES, NY, BRANCH 6000
JUNE 22, 2022 (8691)

This is in reply to your email, sent June 18, 2022, requesting that you be permitted to re-

join the NALC as a retiree member.

At the outset I appreciate your many years of membership and your interest in rejoining our Union. Nonetheless, I must advise that I cannot grant your request.

As you acknowledge in your email, you retired from the Postal Service in 2016. The *NALC Constitution* requires that a retiring member execute a Form 1189 at the time of retirement in order to maintain his/her status as a regular member of the NALC. See Article 2, Section 1(e). Our records indicate that the NALC Membership did send you a Form 1189 after your retirement, but you declined to complete and submit the form.

Article 2, Section 1(e) is controlling here. Article 7, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches*, which you cite in your email, does not apply to your situation.

I regret, therefore, that I cannot reply favorably to your request.

RICHARD HIBBS—STILLWATER, OK, BRANCH 1595
JUNE 22, 2022 (8692)

This is in reply to your letter, received by my office June 21, 2022, requesting dispensation to register out of time Michael Navratil as a delegate from Branch 1595 to the National Convention. According to your letter, the Branch's failure to register Brother Navratil was due to a misunderstanding with the Oklahoma State Association.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

TAMMIA SNEED—CHATTANOOGA, TN, BRANCH 62
JUNE 22, 2022 (8693)

This is in reply to your letter, dated June 18, 2022, requesting dispensation to register out of time Branch 62 Vice President Colleen Tracy as a delegate to the National Convention. According to your letter, the Branch did complete its delegate registration list and mailed it to NALC Headquarters in April, but you have since learned that it was apparently not received. Sister Tracy is now the only delegate who intends to attend the Convention.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

PAUL SIMMONS—WASHINGTON, DC, BRANCH 142
JUNE 27, 2022 (8695)

This is in reply to your email, sent June 22, 2022, regarding the charges that have recently been filed against Branch 142 President Hooks under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*. According to your email, you have been unable to find any volunteers in the Branch to serve on an investigating committee.

Rather than extend the deadlines for the processing the charges at this time, I am directing National Business Agent Vada Preston to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Preston, or his designee, to appoint the committee, if he believes that it is in the best interest of the Branch for him to do so. The committee may include disinterested members from other Branches.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

ALFRED RAMOS—SAN LUIS OBISPO, CA, BRANCH 52
JUNE 27, 2022 (8696)

This is in reply to your email, sent June 23, 2022, requesting guidance as to the eligibility of an incumbent Trustee of Branch 52 to continue to serve. According to your email, the member in question has resigned from the Postal Service.

The answer to your question is no. A non-member cannot serve as a Branch Officer. Under Article 2, Section 1(a) of the *NALC Constitution*, all "non-supervisory employees of the Postal Service" may be regular NALC members. However, other than retirees and OWCP departees, members who are separated from the rolls of the Postal Service are no longer eligible to maintain regular membership status under Article 2, Section 1. Accordingly, the individual would not be eligible to maintain membership in the union if he is separated from the Postal Service employment rolls. At that point he could not be a Branch officer.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

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LAWRENCE BROWN JR.—LOS ANGELES, CA, BRANCH 24 JUNE 27, 2022 (8697)

This is in reply to your letter, dated June 22, 2022, requesting dispensation permitting Branch 24 to cancel its regular August membership meeting. The reason for this request is that the meeting is scheduled to take place during the 2022 National Convention, which many Branch members will be attending as delegates. The Branch will publish its regular monthly reports in its Angel City Carrier publication.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that the members receive appropriate and timely notice of the cancellation of the August meeting.

I trust that the foregoing addresses your concerns.

GEBRAIEL HAMM—COLUMBIA, SC, BRANCH 233 JUNE 27, 2022 (8701)

This is in reply to your letter, dated June 24, 2022, regarding the charges that have recently been filed against you and the Vice President of Branch 233 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Your letter requests that I authorize “outside help” (presumably National Business Agent Lynne Pendleton) to appoint the committee to investigate the charges. In addition, you request that I extend the time for the committee to submit its report to the Branch’s August meeting.

Article 10, Section 3 of the *CGSFB* provides that the committee to investigate the charge is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” If both the President and the Vice President are charged, then the next highest ranking officer should normally appoint the committee.

However, the facts set forth in your letters to NBA Pendleton and me indicate that some level of scrutiny by the National Union is warranted to ensure that the charges are investigated impartially and in full compliance with Article 10. Therefore, by copy of this letter, I am directing Sister Pendleton to offer any guidance or other assistance that may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Sister Pendleton, or her designee, to appoint the committee, if she believes that it is in the best interest of the Branch for her to do so. The committee may include disinterested members from other Branches.

Dispensation to extend the deadline for the committee’s report is not necessary at this time. Article 10, Section 1 of the *CGSFB* does contemplate that after charges are read at a Branch meeting, an investigating committee will be appointed and report to the Branch at the next meeting, at which time the members will vote on the charges. However, Article 10, Section 1 also provides that “the vote regarding [charges] may be continued once, by motion to the following regular Branch meeting.” This language allows Branches to entertain and approve a motion to postpone consideration of the charges to the following meeting. Accordingly, the Branch has the authority to postpone consideration of the charges to the August meeting.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

RODNEY STANFIELD—ELMIRA, NY, BRANCH 21 JUNE 27, 2022 (8702)

This is in reply to your recent letter requesting dispensation permitting Branch 21 to register out of time its delegates to the National Convention. According to your letter, the Branch did complete its delegate registration list and sent it to NALC Headquarters, but you have since learned that it was apparently not received.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine’s office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

DAVID MORSE—CLINTON, AR, BRANCH 1592 JUNE 29, 2022 (8704)

This is in reply to your recent letter requesting dispensation permitting Branch 1592 to register out of time Anita Lewallen as a delegate to the National Convention. According to your letter, you inadvertently failed to register Sister Lewallen as a delegate.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine’s office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be ex-

pected to comply with registration deadlines. I trust that the foregoing addresses your concerns.

MARY HOUMAN—PALATINE, IL, BRANCH 4268 JUNE 30, 2022 (8705)

This is in reply to your letter, dated June 20, 2022, requesting dispensation permitting Branch 4268 to register out of time its delegates to the National Convention. According to your letter, the Branch was unable to register its delegates due to a miscommunication about electronic registration.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine’s office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

PAULETTE LITTLE—BRONX, NY, BRANCH 36 JULY 6, 2022 (8656)

This is in reply to your letter, received by my office May 24, 2022, requesting that Brother Howard Mantilla be reinstated as the shop steward in the Planetarium Station in Branch 36. According to your letter, Brother Mantilla was advised that his term of office had expired and that he would only be allowed to conduct union activities in his home station.

At the outset, let me assure you that I appreciate the concerns expressed by you and the members who signed the petition which you forwarded with your letter. Nonetheless, I must advise that any intervention by the National Union would be entirely inappropriate. Disputes over the appointment or removal of stewards must be resolved, in the first instance, at the Branch level, in accordance with the Branch By-laws. The decision of the Branch President may be appealed to the Branch under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch’s decision, in turn, may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the *CGSFB*.

With regard to the issue of start times, I have asked National Business Agent Larry Cirelli to update you on the status of this matter. You should be hearing from him soon.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits or timeliness of any appeal that you may bring.

**SUSAN GEUDTNER—HEMET, CA,
BRANCH 2901****JULY 6, 2022 (8706)**

This is in reply to your letter, dated June 28, 2022 requesting dispensation permitting Branch 2901 to register out of time Branch President Bill Smith as a delegate to the National Convention. According to your letter, Brother Smith is an automatic delegate, but the Branch inadvertently failed to list him on its registration.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**JASON HAYWOOD—ASHLAND, KY,
BRANCH 745****JULY 6, 2022 (8707)**

This is in reply to your letter, received by my office July 5, 2022, requesting dispensation permitting Branch 745 to register out of time its delegates to the National Convention. According to your letter, you inadvertently failed to register the delegates on time because you were on vacation.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**KRISTINE FIATOA—PEARL CITY, HY,
BRANCH 4682****JULY 11, 2022 (8712)**

This is in reply to your email, sent July 8, 2022, requesting dispensation permitting Branch 4682 to change the date of its regular meeting in August from August 11 to August 18. The purpose of this change is to avoid having a meeting during the National Convention.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please be sure to provide appropriate and timely notice of this change to the members of the Branch.

I trust that the foregoing addresses your concerns.

**KYLE TURNER—BRIDGETON, MO,
BRANCH 5847****JULY 11, 2022 (8714)**

This is in reply to your letter, dated July 7, 2022 requesting dispensation permitting Branch 5847 to register out of time Kelly Barsh as a delegate to the National Convention. According to your letter, Sister Barsh was not initially registered because she was not then eligible to be a paid delegate. However, an additional spot is now available to her.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**CARLOS RODRIGUEZ—ALTAMONTE
SPRINGS, FL, BRANCH 5192****JULY 14, 2022 (8718)**

This is in reply to your letter, received July 11, 2022 requesting dispensation permitting Branch 5192 to register you out of time as a delegate to the National Convention. According to your letter, you recently learned that your registration was not received by the deadline.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**MICHAEL HAMILTON—CHARLESTON,
SC, BRANCH 3902****JULY 15, 2022 (8721)**

This is in reply to your letter, received July 14, 2022 requesting dispensation permitting Branch 3902 to register out of time Brother Carl Curnell as a delegate to the National Convention. According to your letter, Brother Curnell was inadvertently left off the Branch's delegate list.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Con-

vention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**DAVID ROOKS, II—EAST HARTFORD,
CT, BRANCH 86****JULY 15, 2022 (8722)**

This is in reply to your letter, dated July 13, 2022 requesting dispensation permitting Branch 86 to register Brother Paul Crooks out of time as a delegate to the National Convention. According to your letter, the Branch did not initially register Brother Crooks as an alternate delegate because it did not anticipate that he would attend the Convention. However, he is now needed to replace a registered delegate who has a family emergency.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**ELENA GUERRERO—DODGE CITY, KS,
BRANCH 1579****JULY 15, 2022 (8723)**

This is in reply to your letter, received July 14, 2022 requesting dispensation permitting Branch 1579 to register out of time its delegates to the National Convention. According to your letter, the Branch did not receive the call of delegates.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

**ROBERT FOGLE, JR.—ALBUQUERQUE,
NM, BRANCH 504****JULY 18, 2022 (8724)**

This is in reply to your letter, dated July 15, 2022, requesting dispensation permitting Branch 504 to conduct its next election solely by mail ballot. According to your letter, the Branch intends to amend its By-laws to provide for, among other changes, mail ballot elections. However, it has not yet enacted the amendments. The anticipated By-law changes

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have been necessitated by a decline in attendance at meetings due to the ongoing COVID-19 pandemic.

Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is provided to the membership regarding the change in the election procedure.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

GEORGE TORRES—VISALIA, CA, BRANCH 866

JULY 18, 2022 (8725)

This is in reply to your letter, received July 14, 2022, requesting dispensation permitting Branch 866 to register out of time Sister Isabel Casas and Brother Nick Uruchurtu as delegates to the National Convention. According to your letter, they were inadvertently left off the Branch's delegate list.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

MACK JULION—CHICAGO, IL, BRANCH 11

JULY 19, 2022 (8733)

This is in reply to your letter, dated July 18, 2022 requesting dispensation permitting Branch 11 to register out of time certain delegates to the National Convention. According to your letter, these delegates were inadvertently left off the Branch's delegate list.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

MICHAEL SAPP—OCALA, FL, BRANCH 1103

JULY 19, 2022 (8734)

This is in reply to your email, sent July 19, 2022 requesting dispensation permitting

Branch 1103 to register out of time Sister Laura Klingelsmith and you as delegates to the National Convention. According to your letter, the Branch did mail its registration documents, but you recently learned that they have not been received by NALC Headquarters.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

TIMOTHY SWIGERT—GRANITE CITY, IL, BRANCH 1132

JULY 21, 2022 (8735)

This is in reply to your letter, dated July 20, 2022 requesting dispensation permitting Branch 1132 to register Sister Alyssa Pinero out of time as a delegate to the National Convention. According to your letter, you inadvertently failed to register Sister Pinero as an alternate delegate. She is now needed to replace a registered delegate who has declined to be vaccinated against COVID-19.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

JENNIFER KAISER—DUBUQUE, IA, BRANCH 257

JULY 25, 2022 (8738)

This is in reply to your letter, received July 25, 2022 requesting dispensation permitting Branch 257 to register out of time its delegates to the National Convention. According to your letter, you admittedly failed to submit the Branch's delegate list in a timely manner.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

CRYSTAL SMITH—ATLANTA, GA, BRANCH 1119

JULY 26, 2022 (8726)

This is in reply to your letter, dated July 7, 2022, requesting that I act on a petition to remove a steward appointed by the President of Branch 1119.

While I appreciate the concerns expressed in your letter and petition, I must advise that it would be inappropriate for me to intervene in this matter or to comment on the specific allegations, particularly since I only have your side of the story before me.

It is primarily the responsibility of the Branch President to enforce the obligations of other officers and stewards. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall have "general supervisory powers over the Branch" and the authority to "see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch." In addition, under Article 6, Section 1 of the *CGSFB*, the Branch President is designated Chief Shop Steward. The President, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties. In particular, it up to the Branch President to decide whether to remove a steward who has been appointed to that position.

Of course, if you believe that the steward in question is guilty of misconduct, you may file charges under Article 10 of the *CGSFB*. I express no view as to the merits of any such charges.

Finally, the other issues discussed in your letter have been referred to Regional Grievance Assistant Eric Sloan for further investigation.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

ANTHONY KITTRELL—LANHAM, MD, BRANCH 142

JULY 28, 2022 (8739)

This is in reply to your email, sent July 25, 2022, requesting assistance in initiating an appeal from a decision apparently made at a meeting of Branch 142.

Please be advised that appeals from Branch decisions to the NALC Committee on Appeals are governed by Article 11 of the *NALC Constitution for the Government of Subordinate and Federal Branches*. Such appeals must be submitted to the Recording Secretary of the Branch within twenty days of the Branch meeting at which the decision was made. As stated in Article 11, Section 2:

The appeal must be in writing and filed with the Recording Secretary of the Branch, together with any written testimony, arguments and briefs, within twenty days from the date of the Branch meeting at which the decision to be appealed from was made.

According to your email, you have missed the twenty day deadline because you attempted to contact national officers and staff regarding the proper procedures, but you did not receive timely replies. As National President, I do have the authority to grant you an extension of time to submit your appeal. The facts set forth in your email indicate that such an extension would be appropriate in this instance.

Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant you dispensation to file your appeal within twenty days of your receipt of this letter. By copy of this letter, I am so notifying the NALC Committee on Appeals and Branch 142.

I trust that the foregoing addresses your concerns.

RACHEL FREEHAUF—WEST FARGO, ND
NORTH DAKOTA STATE ASSOCIATION
OF LETTER CARRIERS
JULY 28, 2022 (8741)

This is in reply to your letter, dated July 28, 2022 requesting dispensation permitting the North Dakota State Association to register you out of time as its delegate to the National Convention, along with Secretary-Treasurer Janell Harris as an alternate delegate. According to your letter, you have been informed that the State Association's registration was received two days past the deadline.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the State Association will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

JOSHUA ROBERTSON—GRETNA, LA,
BRANCH 4323
JULY 29, 2022 (8742)

This is in reply to your email, sent July 27, 2022, concerning Branch 4323's decision to replace you as a delegate to the NALC National Convention with an alternate delegate.

While I appreciate your concerns, I must advise that there is no basis for any intervention by the National Union in this matter. As you know, due to the ongoing risks posed by the COVID-19 pandemic, the NALC is requiring that all delegates show proof of vaccination to attend the Convention. In order to comply with this requirement, Branch 4323 established a deadline for all delegates to show their proof of vaccination. It appears that you did not meet this deadline. The Branch reasonably concluded that you would be unable to attend the Convention and

registered an alternate in your place. This action was entirely consistent with the *Constitution* and the NALC vaccination policy.

However, since you have been vaccinated, the Branch may arrange for you to attend the Convention as a guest. You would be able to attend all business sessions, training classes, and other Convention-related events. We would welcome your attendance. By copy of this letter, I am notifying Branch President Mosley of this option.

I regret that I cannot provide a more favorable reply. I do appreciate your interest in serving as a delegate and hope that you can attend the Convention as a guest.

JEREMY JOHNSON—LIBERTY, MO,
BRANCH 1264
JULY 29, 2022 (8745)

This is in reply to your letter, dated July 29, 2022 requesting dispensation permitting Branch 1264 to register you and Corey Quick out of time as delegates to the National Convention. It is apparent that the Branch did not meet the deadline for registering its delegates.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

BRENT McCOY—GREENSBORO, NC,
BRANCH 630
JULY 29, 2022 (8749)

This is in reply to your letter, dated July 29, 2022 requesting dispensation permitting Branch 630 to register out of time Johnnie McIntyre as a delegate to the National Convention. According to your letter, Brother McIntyre was inadvertently left off the Branch's delegate list.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

DAN WAGNER—WAUKESHA, WI,
BRANCH 397
AUGUST 1, 2022 (8750)

This is in reply to your letter, received July 29, 2022, requesting dispensation permitting Branch

397 to register out of time Roni Kramer as a delegate to the National Convention. According to your letter, the Branch was preoccupied with its responsibilities as host of the Wisconsin State Convention and neglected to submit its registration.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

DOUG YOCUM—OWENSBORO, KY,
BRANCH 234
AUGUST 2, 2022 (8751)

This is in reply to your letter, emailed August 2, 2022, requesting dispensation permitting Branch 234 to register out of time Brother Trey Gates as a delegate to the National Convention. According to your letter, due to the COVID regulations, Branch delegate Logan Stempian in unable to attend and the Branch's alternate delegate has already been assigned to attend in the place of delegate Elizabeth Strode; therefore, the Branch had to nominate another alternate delegate.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. By copy of this letter, I am so notifying Secretary-Treasurer Rhine's office.

This dispensation applies only to the registration of delegates to the 2022 National Convention. In the future, the Branch will be expected to comply with registration deadlines.

I trust that the foregoing addresses your concerns.

KYLE NELSON—MARTINEZ, CA,
BRANCH 214
AUGUST 18, 2022 (8765)

In accordance with your request, I am responding to question 4 in your email, sent August 8, 2022.

Please be advised that the *NALC Constitution* does not provide a process for a member to file charges against a member of a different Branch. Article 10, Section 2 of the *Constitution for the Subordinate and Federal Branches* requires that charges be signed by a member of the charged party's Branch.

I trust that the foregoing is responsive to your inquiry.

PARKER BRIMIDGE—DUDLEY, GA,
BRANCH 1068
AUGUST 22, 2022 (8766)

This is in reply to your email, sent August 18, 2022, requesting dispensation permitting

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Sister Lesley Coney to be installed as President of Branch 1068 and, if necessary, to conduct a special election for President. According to your email, you have resigned as President of the Branch, and there is no Vice President. Moreover, the Branch does not have By-laws, so that there is no order of succession.

Please be advised that a special election will be necessary to fill the position of Branch President. In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the Branch dispensation to conduct a special election of President and any other vacant officer positions for the remainder of the current terms of office.

By copy of this letter I am authorizing National Business Agent Lynne Pendleton and Regional Assistant Eric Sloan to provide the Branch any assistance it may require to conduct the special election. In addition, pending the election and installation of a new President, I am authorizing Sister Coney to coordinate with Sister Pendleton and Brother Sloan to arrange Branch meetings and to take whatever actions may be required to enforce the National Agreement. Sister Pendleton or Brother Sloan should also assist the Branch in drafting By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

MICHAEL ROGERS—WASHINGTON, DC, BRANCH 142
AUGUST 25, 2022 (8773)

This is in reply to your letter, dated August 18, 2022, concerning an apparent dispute between the President and Executive Board of Branch 142. According to your letter, the President recently overturned a decision by the Executive Board to require a group to pay for use of the Branch hall as a dance studio.

At the outset, while I appreciate your concerns, I must advise that it would be inappropriate for me to comment on the specific situation described in your letter, particularly since I only have your side of the story before me. The dispute described in your letter must be addressed initially at the branch level. I can advise you of the following general principles.

Article 6, Section 1 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall “have general supervisory powers over the Branch,” which includes the authority to “see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch.” As previous rulings have consistently recognized, this provision confers upon the Branch President supervisory authority over subordinate officers.

Of course, any actions that you take must be consistent with the Branch By-laws. However, your letter does not suggest that the Branch

142 By-laws contain any provisions that are relevant to this situation.

In addition, any decisions by a Branch President would be subject to appeal under the provisions of Article 11 of the *CGSFB*. As provided by Article 11, Section 1, a decision of the Branch President may be appealed to the Branch. The Branch’s decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the *CGSFB*. I express no view as to the merits of any potential appeal that may be initiated.

I trust that the foregoing, at least in part, addresses your concerns.

JASON DUNNING—WATERFORD, MI, BRANCH 320
AUGUST 25, 2022 (8775)

This is in reply to your letter, received by my office August 24, 2022, concerning the situation in Branch 320. At the close of your letter, you request dispensation permitting the Branch to waive the minimum meeting attendance requirement set forth in its By-laws for paid delegates to the 2022 National Convention. The By-laws can be interpreted to prohibit the Branch from compensating certain delegates because the Branch was forced to cancel several meetings in 2020 and 2021 due to the COVID-19 pandemic.

Your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant dispensation permitting Branch 320 to pay Branch funds to its delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter (unless they have already done so). Any payment to any delegate must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JOANN GILBAUGH—ST. LOUIS PARK, MN, BRANCH 9
AUGUST 30, 2022 (8776)

This is in reply to your letter, dated August 26, 2022, requesting dispensation permitting Branch 9 to conduct its nomination and election of delegates to the 2023 Minnesota State Association Convention outside the time frames specified in the Branch By-laws.

Your request is appropriate. Therefore, in accordance with my authority under Article 9,

Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Pursuant to your request, Branch 9 may: (1) set compensation for delegates to the 2023 state convention at the September 2022 general membership meeting; (2) publish the notice of nominations in the September 2022 issue of the *Branch Nine News*; (3) hold nominations for delegates to the 2023 state convention at the October 2022 general membership meeting; and (4) conduct the election at the November 2022 general membership meeting.

I trust that the foregoing addresses your concerns.

EFRAIN COLOMBANI—RINCON, PR, BRANCH 826
SEPTEMBER 7, 2022 (8752)

This is in reply to your letter, dated August 1, 2022, which arrived at NALC Headquarters while we were in Chicago for the National Convention. Your letter requests that the National Union nullify the recent election of officers in Branch 826 and order a new election based on alleged interference by postal management.

While I appreciate your concerns, I must advise that it would be inappropriate for me to comment on your specific claims, particularly since I only have your side of the story before me. There is no basis for any intervention in this matter by the National Union at this time.

As Assistant Secretary-Treasurer Paul Barrer advised you, all objections to the conduct of an election must be brought in the form of a post-election complaint to the Branch Election Committee under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. It is the responsibility of the Election Committee to rule on the issues raised by the appeal. The Committee’s decision may be appealed to the Branch Executive Board. Thereafter, the matter will be subject to appeal to the Branch and to the National Committee on Appeals.

This letter should not be read as expressing any view as to the merits of any issues which may be raised in any appeal.

DENNIS WRIGHT—WASHINGTON, DC, BRANCH 142
SEPTEMBER 7, 2022 (8786)

This is in reply to your email, sent September 3, 2022, requesting clarification of the procedure for appointing a committee to investigate charges against a member that have been submitted by the President of the Branch under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

Article 10, Section 3 of the *CGSFB* requires the appointment of “a committee of three disinterested members” to investigate the charges. Normally, the committee is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” However, in the scenario de-

scribed in your email, the Branch President, would be an interested party and also could likely be involved in the investigation as a witness. In those circumstances the President should not appoint the committee or designate the chairman, as suggested in your email. The committee should be appointed by the next highest ranking officer who is not likely to be a witness in the investigation.

I trust that the foregoing addresses your concerns.

BARBARA RAPHAEL—WEST PALM BEACH, FL, BRANCH 1690
SEPTEMBER 9, 2022 (8787)

This is in reply to your letter, dated August 31, 2022, and your email, sent September 7, in which you ask numerous questions pertaining to charges you have apparently filed against the President, Vice President, and Treasurer of Branch 1690.

At the outset, it would be inappropriate for me to address how your specific charges will be handled by the Branch based on the limited facts provided in your correspondence. I can provide the following general guidance in response to the numbered questions in your letter.

As stated in Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, normally the committee that investigates charges is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” However, where the President, Vice President, and/or other officers are charged, prior rulings have established that the highest ranking officer who has not been charged should appoint the investigating committee.

Article 10, Section 1 of the *CGSFB* contemplates that after charges are read at a Branch meeting, an investigating committee will be appointed and report to the Branch at the next meeting, at which time the members will vote on the charges. Article 10 does not require that the appointment of the committee be made at the meeting at which charges are read. However, normally the committee should be appointed in sufficient time to complete its investigation and submit its report at the next meeting. Article 10, Section 1 also provides that “the vote regarding [charges] may be continued once, by motion to the following regular Branch meeting.” This language allows Branches to entertain and approve a motion to postpone consideration of the charges to the following meeting. Such a vote could extend the time of the committee to complete its investigation.

Normally, the members of the committee are appointed from within the Branch. The appointing officer may request that I authorize the appointment of members from outside the Branch if necessary.

The *Constitution* does not designate any particular officer to oversee the investigating committee.

If the President, Vice President, and Treasurer of a Branch were all to be removed from office, the resulting vacancies would be filled in accordance with any provisions of the Branch By-laws establishing an order of succession. If there are no such provisions, I would likely authorize the Branch to conduct a special election.

Article 10, Section 1 of the *CGSFB* authorizes any “member” to file charges. The processing of charges would not be affected by a charging party’s decision to vacate a current position in the Branch.

In response to the questions posed in your email, Article 10, Section 3 of the *CGSFB* provides that the investigating committee “shall forthwith summon the parties” who will then be given the opportunity to present their evidence.

Your final question goes to the number of committees that must be appointed. Please be advised that the relevant constitutional provision, Article 10, Section 3 of the *CGSFB*, does not specifically require multiple committees to handle multiple charges. Accordingly, the appointing officer would have discretion to decide whether to appoint one or more committees. A single committee could investigate all charges. The only qualification is that the members of the committee(s) would have to be disinterested with respect to all charges they are responsible for investigating. In addition, the members of the committee(s) must be in a position to find the facts concerning all charges assigned to them.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any related issue before the Branch.

KEITH HOOKS—WASHINGTON, DC, BRANCH 142
SEPTEMBER 13, 2022 (8792 & 8793)

This is in reply to your two emails, sent September 10 and September 11, 2022, concerning pending charges against you and a possible appeal.

Please be advised that there is no basis for revoking NBA Vada Preston’s appointment of the investigating committee in this matter simply because he subsequently provided information to the committee. As required by Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* the committee remains obliged “find the true facts and report to the branch.”

As to the appeal process, Article 11, Section 2 of the *CGSFB* normally requires that the Recording Secretary receive an appeal, read the appeal to the Branch, and to send the appeal and the Branch’s response to the National Committee on Appeals. While the *Constitution* does not disqualify the Recording Secretary from performing these functions when they are

the charging party, it would be appropriate for the Branch President to reassign these duties to another disinterested officer to avoid an appearance of impropriety.

I trust that the foregoing addresses your concerns

JEFFREY WAGNER—PALM SPRINGS, FL, BRANCH 1690
SEPTEMBER 13, 2022 (8795)

This is in reply to your email, sent September 12, 2022, requesting that I authorize the appointment of a committee consisting of NALC members outside Branch 1690 to investigate charges against you and two other officers of the Branch. This request is based on “the ongoing climate” in Branch 1690. In recent correspondence one of the charging parties, Barbara Raphael, also expressed a preference for an outside committee.

Accordingly, by copy of this letter I am authorizing National Business Agent Lynn Pendleton, or her designee, to attend the Branch meeting on September 21 when the charges will be read, and to appoint a committee consisting of members outside Branch 1690 to investigate the charges.

I trust that the foregoing addresses your concerns.

LATOYA FREEMAN—TUCKER, GA, BRANCH 6070
SEPTEMBER 19, 2022 (8798)

This is in reply to your letter, received September 14, 2022, requesting dispensation permitting Branch 6070 to conduct a special election of officers. According to your letter, the Branch was unable to conduct its regular election at the time specified in its By-laws.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The special election should be conducted as expeditiously as possible.

This dispensation is only for the current election. In the future, the Branch will be expected to conduct its regular elections in accordance with the provisions of its By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

WILLIAM NIGHTINGALE JR.—FREDERICKSBURG, VA, BRANCH 685
SEPTEMBER 19, 2022 (8801)

This is in reply to your letter, dated September 15, 2022, requesting a presidential ruling with respect to the apparent failure of certain officers of Branch 685 to submit their employment verification Form I-9.

Completion of the Form I-9 is a legal requirement. Employees of the Branch must complete Section 1 on or before the first day of employ-

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ment. To remain employed, the member must provide the original documentation necessary for the Branch to complete Section 2 within 3 business days.

If an elected officer fails to comply with these requirements, you may address the problem pursuant to your authority under Article 6, Section 1 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. This section provides that the Branch President shall “have general supervisory powers over the Branch,” which includes the authority to “see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch.” As previous rulings have consistently recognized, this provision authorizes the President to temporarily reassign the duties of officers who are unable to perform to other officers or members.

If an elected officer were to persist in refusing to submit a Form I-9, the Branch President may conclude that the officer has effectively abandoned their office and that the position is now vacant. In accordance with Article 4, Section 2 of the *CGSFB*, the President can fill such vacant officer positions by appointment, unless the Branch By-laws provide an order of succession.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

GEBRAIEL HAMM—COLUMBIA, SC, BRANCH 233

SEPTEMBER 19, 2022 (8803)

This is in reply to your email, sent September 16, 2022, requesting dispensation permitting Branch 233 to postpone the deadline for return of mail ballots in its regular election of officers to October 26. According to your email, the Branch had to postpone its nominations meeting to avoid conflict with the holiday. Extension of the time for return of ballots is necessary to comply with the minimum twenty day balloting period required by Section 14.2 of the *NALC Regulations Governing Branch Election Procedures*.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 233 dispensation to postpone the deadline for return of mail ballots and the date on which results are announced in accordance with your request. The Branch must provide appropriate and timely notice of the date of the election to all active and retired members.

Please understand that this dispensation applies only to the 2022 nomination and election of officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns.

DEXTER BROWN—DECATUR, GA, BRANCH 73

SEPTEMBER 19, 2022 (8804)

This is in reply to your email, sent September 17, 2022, concerning Branch 73’s regular meetings.

Generally speaking, Branches that have been conducting meetings remotely during the COVID-19 pandemic may resume in-person meetings at any time, consistent with any applicable state or local governmental restrictions. The Branch may also implement appropriate safety precautions. For example, the Branch can conduct an in-person meeting for those who show proof of vaccination, while allowing all other members to participate by Zoom. Alternatively, the Branch may conduct an in-person meeting for everyone, while enforcing COVID protocols such as distancing and masks and may also allow exemptions from masking requirements for members who provide proof of vaccination. These decisions must be made at the Branch level.

If you believe that the Branch’s current procedures are inconsistent with its By-laws, you may initiate an appeal in accordance with Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of any appeal.

BARBARA RAPHAEL—WEST PALM BEACH, FL, BRANCH 1690

SEPTEMBER 19, 2022 (8805)

This is in reply to your email, sent September 16, 2022, inquiring whether you have been disqualified from continuing to serve as a branch officer or from participating in Branch meetings. According to your email you have accepted a detail to a non-bargaining unit position of EEO ADR Specialist.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* provides that a member who holds, accepts, or applies for a supervisory position is not eligible to hold any office in the Branch for a period of two years. Similarly, Article 2, Section 1(c) of the *NALC Constitution* restricts the right of members who accept supervisory positions from attending and participating in Branch meetings. However, as previous rulings have repeatedly held, higher level, non-bargaining unit positions are not necessarily supervisory for purposes of these constitutional provisions.

Generally speaking, a position is considered supervisory if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties. The Form 1723 assignment order submitted with

your email does not contain any information about the duties of the EEO ADR Specialist.

To be sure, your description of your duties indicates that it will be highly unlikely that you will have supervisory authority over letter carriers. However, it will be the responsibility of the Branch to make the final determination as to whether the position in question carries supervisory authority. If necessary, the President of the Branch or another officer may discuss the matter with management. If the Branch concludes that the EEO ADR Specialist position does not entail supervisory authority, then you would not be disqualified from serving as a Branch officer or participating in meetings.

I trust that the foregoing addresses your concerns.

BERNARD LAMAR—POOLER, GA, BRANCH 578

SEPTEMBER 22, 2022 (8794)

This is in reply to your email, sent September 11, 2022, in which you claim that Brother Robert Covino has engaged in improper campaign activity on behalf of a candidate for National Business Agent.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to comment on your allegations at this time. I have no first-hand knowledge of the facts, and I only have your side of the story before me.

Allegations of campaign misconduct may be addressed by submitting a post-election appeal to the National Election Committee in accordance with Article 6, Section 14 of the *NALC Constitution*. Allegations of misconduct at the local level may be the subject of charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*. This letter should not be read to express any view as to the merits of any appeal or charges that may be filed.

I trust that the foregoing addresses your concerns, at least in part.

ROGUE ROBERTSON—PORTLAND, OR, BRANCH 82

SEPTEMBER 22, 2022 (8809)

This is in reply to your email, sent September 20, 2022, in which you request advice as to how you may challenge a proposed resolution which may be enacted by Branch 82.

Please be advised that if the resolution is adopted at a Branch meeting, the Branch’s action may be appealed to the National Committee on Appeals. Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that “any member considering that an injustice has been done him/her by a decision of the Branch, may appeal in writing to the Committee on Appeals of the National Association.” The procedure for submitting the appeal is set forth in Article 11, Section 2 of the *CGSFB*.

However, the foregoing should not be read to indicate that any appeal would have merit. As I have advised Branch President Norton in previous correspondence, the *NALC Constitution* does not contain any provisions pertaining to the procedures Branches are to follow in approving resolutions. Branches retain the authority to adopt reasonable rules governing the procedures for consideration and voting on proposed resolutions. Accordingly, members must observe any rules for consideration of resolutions that the Branch itself may have enacted.

Of course any resolution adopted by a Branch must be consistent with the Branch's By-laws. It would be inappropriate for me to comment on whether the resolution described in your email would be consistent with the Branch 82 By-laws. Disputes over the interpretation or application of By-laws must be resolved, in the first instance, at the Branch level.

I appreciate your thoughtful comments and trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of any appeal.

BARBARA RAPHAEL—WEST PALM BEACH, FL, BRANCH 1690
OCTOBER 4, 2022 (8817)

This is in reply to your email, sent September 30, 2022, concerning the investigation of your charges against officers of Branch 1690. Your email raises questions concerning the hearing procedure to be implemented by the investigating committee.

At the outset, Article 10 of the *National Constitution* does not apply to charges brought at the Branch level against Branch officers. Your charges are governed by Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

Article 10, Section 3 of the *CGSFB* provides that the investigating committee is to "summon the parties" and to hear and record the testimony and documentary evidence presented by them. Article 10, Section 3 specifically provides that all parties are "entitled to be heard by the committee, to present evidence, and to cross-examine all witnesses who make statements to the committee." This means that both the charged and charging parties have the right to attend the hearing and to cross-examine each other as well as witnesses produced by the other side. It is up to the committee to decide who else may attend the hearing.

Normally, cross-examination of witnesses is conducted face-to-face. The committee has discretion to develop reasonable procedures to address particular problems, in order to ensure that cross-examination is conducted in an orderly manner. All parties and witnesses are expected to comply with the committee's decisions regarding hearing procedures.

In response to your second question, the

limited information in your email is insufficient for me comment on whether it would be appropriate for the current committee to investigate the new charges you have apparently brought against the Recording/Financial Secretary of the Branch.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of the pending charges.

KENNETH STETTNER—SIDNEY, MT, BRANCH 4305
OCTOBER 11, 2022 (8820)

This is in reply to your letter, dated September 28, 2022, requesting a special election to replace your appointed steward.

At the outset, while I appreciate your concerns, I must advise that it would be entirely inappropriate for me to address the specific allegations against your steward, particularly since I only have your side of the story before me. I can provide the following guidance.

First, there is no basis for your request that I authorize a special election. The *NALC Constitution* does not require that stewards be elected. Article 4, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that stewards "may be appointed or elected, within the respective stations," as "may be determined" by the Branch. Thus, so far as the *Constitution* is concerned, it is up to the Branch to decide whether stewards are elected or appointed.

If the Branch By-laws do not provide for steward elections, then stewards are appointed by the Branch President. Article 6, Section 1 of the *CGSFB* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards.

Claims that an appointed steward is not performing or has committed acts of misconduct may be addressed, in the first instance, by the Branch President. As previous rulings have recognized, if the Branch's stewards are appointed to office by the Branch President, the President may remove a steward for good and sufficient cause.

In addition, members may file charges of misconduct seeking the removal of a steward under Article 10 of the *CGSFB*. I express no view as to whether such charges would be warranted in this case.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

LORI CHOMIAK—BOCA RATON, FL, BRANCH 1690
OCTOBER 11, 2022 (8821)

This is in reply to your letter, dated October 5, 2022, on behalf of the committee appointed

to investigate the charges filed by Sister Barbara Raphael against officers of Branch 1690. Your letter requests dispensation extending the deadline for the committee's submission of its report to the Branch to November 16, 2022. According to your letter, the committee needs the additional time to hear from all the witnesses and to review all the documents that pertain to the numerous charges that have been presented.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

I trust that the foregoing addresses your concerns. Thank you and the other members of the committee for taking on the responsibility for investigating these charges.

BRADFORD LOUIS—SAN FRANCISCO, CA, BRANCH 214
OCTOBER 11, 2022 (8822)

This is in reply to your letter, dated September 26, 2022, in which you claim that Branch 214 made an unauthorized change to its By-laws. Specifically, you assert that the Branch changed a period to a comma in the first sentence of Article VI, Section 2 which sets forth the duties of the Executive Vice President.

I am not persuaded that this change has any substantive significance. Regardless of the precise phrasing of the By-law provision, the authority of the Executive Vice President to preside over the Branch in the absence of the President (for any reason) is established by Article 6, Section 2 of the *NALC Constitution for the Government of Subordinate and Federal Branches*.

There is no basis for any intervention in this matter by the National Union at this time. I can only suggest that if you continue to have concerns that you raise this issue at a Branch meeting. The Branch may correct a punctuation change in its By-laws without review by the NALC Committee of Laws.

I trust that the foregoing addresses your concerns.

BRIAN SMITH—WILMINGTON, DE, BRANCH 191
OCTOBER 11, 2022 (8825)

This is in reply to your email, sent October 7, 2022, requesting dispensation permitting Branch 191 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. Specifically, you propose a reduction in the quorum requirement from 15 to 10 members. This request is based on the difficulties posed by staffing issues and the ongoing COVID pandemic. According to your letter the Branch was unable to achieve a quorum at its last two meetings. The Branch is in the process of amending its By-laws to reduce the quorum requirement on a permanent basis.

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Your request is certainly reasonable, given the circumstances described in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation pending the amendment of the By-laws. Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DENNIS WRIGHT—WASHINGTON, DC, BRANCH 142
OCTOBER 11, 2022 (8826)

This is in reply to your letter, dated October 10, 2022, concerning the procedures used by Branch 142 when it voted on charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches* and its consideration of penalties.

As you appear to recognize, it would be entirely inappropriate for me to comment on any aspect of this specific situation, particularly since the Branch's actions may be subject to an appeal. I can provide the following general guidance with respect to the questions posed at the end of your letter.

If the members decide by their vote that the facts sustain a charge, then, as expressly provided by the last sentence of Article 10, Section 3, "the Branch shall entertain a motion to fix the penalty, if required." It is not necessary to consider penalties in the order set forth in Article 10, Section 4. For example, it would not be necessary to consider expulsion or removal from office if a motion to suspend or reprimand the charged party is made and passed. If no motion is made from the floor, the Chair would not be required to call for a vote on the penalties set forth in Section 4. Previous rulings have recognized that Branches are not required to impose a penalty, even if the charges are sustained.

I trust that the foregoing addresses your concerns. Once again, this letter should not be read to express any view as to any issue relating to Branch 142's handling of the charges in question.

EMILY LANE—TAYLOR, SC, BRANCH 2553
OCTOBER 13, 2022 (8829)

This is in reply to your letter, received by my office October 11, 2022, advising that the President and Vice President of Branch 2553 have resigned. You request dispensation permitting the Branch to conduct a special election to fill these vacancies.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution* I hereby grant Branch 2553 dispensation to conduct a special election.

Apart from the foregoing, the facts set forth in your letter indicate that Branch 2553 is not functioning as an NALC Branch and that a merger with another functioning Branch may be appropriate. Therefore, by copy of this letter, I am referring this matter to National Business Agent Lynne Pendleton for further investigation. Sister Pendleton should reach out to suitable Branches nearby and find out if they are potential candidates for taking over responsibility for representing the letter carriers in Branch 2553 and are otherwise willing to merge.

In addition, Sister Pendleton or her designee should meet with the members of Branch 2553 to discuss all the issues that have been raised and the benefits of a merger.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

BRADFORD LOUIS—SAN FRANCISCO, CA, BRANCH 214
OCTOBER 13, 2022 (8830)

This is in reply to your email, sent October 11, 2022, requesting clarification of my letter of October 11.

Article 6, Section 2 of the *NALC Constitution for the Government of Subordinate and Federal Branches* states that the Vice President or Executive Vice President of the Branch "shall preside in the absence of the President." This constitutional language covers the absence of the President for any reason and is controlling, regardless of the wording or punctuation of the Branch By-laws.

I appreciate your position that the substitution of a comma for a period in the Branch 214 By-law provision renders the By-law inconsistent with the *Constitution*. If that is the case, the Branch should replace the comma with a period which apparently was used in a previous version of the By-laws. As I stated in my previous letter, such a correction can be done by the Branch without further review by the Committee on Laws.

I trust that the foregoing addresses your concerns.

BARBARA RAPHAEL—WEST PALM BEACH, FL BRANCH 1690
OCTOBER 13, 2022 (8831)

This is in reply to your email, sent October 12, 2022, regarding your most recent charge against Branch 1690 Financial/Recording Secretary Mitchell Mullin.

In response to your request for an outside committee to investigate the charge, by copy of this letter I am directing National Business Agent Lynne Pendleton to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I

am authorizing Sister Pendleton, or her designee, to appoint the committee, if she believes that it is in the best interest of the Branch for her to do so. The committee may include the same members who were appointed to investigate the earlier charges.

Apart from the foregoing, it would be entirely inappropriate for me to comment on the factual issues raised in your email. Your requests for information and documents should be directed to the investigating committee.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of the pending charges or any related issue.

RICHARD BURTON & CYNTHIA SMITH—ATHENS, GA, BRANCH 588
OCTOBER 20, 2022 (8841)

This is in reply to your letter, dated October 20, 2022, requesting dispensation permitting Branch 588 to conduct its nomination of officers at its meeting to be held November 3, 2022. According to your letter, the Branch did not have a quorum at its meeting in October when nominations were scheduled.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 588 dispensation to conduct nominations at its November 3 meeting and, if necessary, an election at a later date. The Branch must provide appropriate and timely notice of the nominations and election to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2022 nomination and election of officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns.

JEFFREY WAGNER—PALM SPRINGS, FL, BRANCH 1690
OCTOBER 26, 2022 (8842)

This is in reply to your email, sent October 20, 2022, concerning the membership status of former Branch 1690 President Gerald Mascolo. According to your email, Brother Mascolo has failed to pay a debt he allegedly owes to the Branch.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to comment on this specific situation, particularly since I only have your side of the story before me. I can provide the following general guidance.

When a Branch believes that a member owes a debt to the Branch it may send that member a letter of demand. The member has the right to appeal that letter in accordance with the proce-

dures provided by Article 11 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. However, if the member chooses not to initiate an appeal and does not satisfy the Branch's letter of demand, the member will nonetheless retain their membership status, in the absence of charges against them.

Past rulings have concluded that the procedure for filing and adjudicating charges set forth in Article 10 of the *CGSFB* is the method that Branches must employ to enforce a debt claim where the existence and/or the amount of the debt is in dispute. The rulings further establish that when the Branch claims that a member owes an individual debt, the member may be removed from membership for failing to pay such debt only after charges have been processed pursuant to Article 10 of the *CGSFB*. Absent Article 10 procedures, a simple motion at a Branch meeting is insufficient for this purpose.

In light of the foregoing, there would certainly be no basis for denying the member's right to vote in an NALC election.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of the dispute with Brother Mascolo or any resulting charges or appeal.

**ENRIQUE CASTRO—KEY WEST, FL,
BRANCH 818**

OCTOBER 26, 2022 (8843)

This is in reply to your letter, received October 21, 2022, requesting dispensation permitting Branch 818 to conduct its nomination and election of officers out of time. According to your letter, the Branch was unable to conduct its regularly scheduled election due to the COVID pandemic.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Nominations and, if necessary, an election should be conducted as expeditiously as possible. The Branch must provide appropriate and timely notice of the nominations and election to all active and retired members.

Please understand that this dispensation applies only to the 2022 nomination and election of officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns.

**EZEKIEL GALANG—ROCKLIN, CA,
BRANCH 133**

OCTOBER 26, 2022 (8844)

This is in reply to your email, sent October 24, 2022, requesting a ruling as to whether

you were properly excluded from a meeting of Branch 133.

At the outset, I am sorry to hear that your removal from the Postal Service has been upheld by an arbitrator. I wish you the best of luck in the future.

With regard to your specific question, Article 2, Section 1(a) of the *NALC Constitution* provides that all "non-supervisory employees of the Postal Service" may be regular NALC members. However, other than retirees and OWCP departees, members who are separated from the rolls of the Postal Service are no longer eligible to maintain regular membership status under Article 2, Section 1. Accordingly, individuals would not be eligible to maintain membership in the union if they are separated from the Postal Service employment rolls.

The timing of separation from the rolls is normally controlled by Article 16, Section 5 of the National Agreement. That section states that an employee subject to a removal action may remain on the rolls "until disposition of the case has been had either by settlement with the Union or through exhaustion of the grievance-arbitration procedure." Accordingly, the final disposition of a grievance marks the end of the employee's entitlement to remain on the rolls and, consequently, the right to maintain membership status in the NALC. Membership would not be extended by the Postal Service's delay in processing the separation.

I regret that I cannot provide a more favorable reply to your inquiry. Thank you for bringing this matter to my attention and for your kind personal wishes.

**JAMES OSBORNE—PORT ST. LUCIE,
FL, BRANCH 1690**

OCTOBER 27, 2022 (8845)

This is in reply to your letter, dated October 20, 2022, in which you raise several issues concerning Branch 1690's handling of charges brought by Sister Barbara Raphael against incumbent officers and the charges recently brought against her by President Wagner.

With respect to the reading of charges, Article 10, Section 2 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that charges "shall be read by the Recording Secretary at the first regular Branch meeting after service on the member or officer." The *Constitution* does not disqualify the Recording Secretary from performing this function when they are the charged or charging party. When this is the case, the Branch President may reassign the reading to another disinterested officer to avoid an appearance of impropriety, but the President is not required to do so.

As to the appointment of the investigating committees, please be advised that I have authorized National Business Agent Lynne Pendleton to participate in the appointment of the committees and to make the appointments

herself. The committees may include members from other Branches.

Apart from the foregoing, it would be inappropriate for me to comment on your specific claims about the conduct of Branch meetings. I have no first-hand knowledge of the facts and only have your side of the story before me. Disputes over parliamentary procedure must be resolved at the meeting at which they arise and are not normally subject to further review. Decisions by the Branch itself may be the subject of an appeal to the National Committee on Appeals under Article 11 of the *CGSFB*.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any of the charges or any subsequent appeal.

**BARBARA RAPHAEL—WEST PALM
BEACH, FL, BRANCH 1690**

OCTOBER 27, 2022 (8846)

This is in reply to your email, sent October 25, 2022, regarding a charge apparently filed against you by Branch President Wagner.

In response to your request for an outside committee to investigate the charge, by copy of this letter I am directing National Business Agent Lynne Pendleton to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Sister Pendleton, or her designee, to appoint the committee, if she believes that it is in the best interest of the Branch for her to do so. The committee may include the same members who were appointed to investigate the earlier charges or other members from outside Branches.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of the pending charges or any related issue.

**ABBIE BREWER—DENTON, TX,
BRANCH 1367**

NOVEMBER 1, 2022 (8851)

This is in reply to your letter, dated October 28, 2022, requesting dispensation permitting Branch 1367 to postpone the date of its election of officers and delegates from December 8 to January 12. According to your letter, this postponement is necessary because the Branch failed to provide a timely notice of election.

Your request is certainly reasonable. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please understand that this dispensation applies only to the 2022 nomination and election of officers and delegates. For future elections, the Branch must comply with the time

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frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

ARKAVIA SMITH—ASHEVILLE, NC, BRANCH 248

NOVEMBER 1, 2022 (8852)

This is in reply to your email, sent October 28, 2022, requesting dispensation permitting Branch 248 to conduct its upcoming election by mail ballot. According to your letter, the Branch has been conducting its meetings by Zoom since the start of the pandemic and no longer has access to the location where it held its in-person meetings.

Your request is certainly reasonable, given the circumstances described in your email. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is provided to the membership regarding the change in the election procedure. Please note that if the Branch intends to conduct its elections by mail ballot in the future, it should amend its By-laws accordingly.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

MICHAEL PURIFOY—TEXARKANA, TX, BRANCH 569

NOVEMBER 1, 2022 (8853)

This is in reply to your email, sent October 30, 2022, concerning problems that have arisen in conducting the mail ballot election of officers in Branch 569.

It does appear that the Branch has not complied with the requirements for mail ballots set forth in the *NALC Regulations Governing Branch Election Procedures (RGBEP)*. The regulations require that the return envelopes provide some method by which the Branch can identify the voters and confirm their eligibility to vote. See *RGBEP* Section 14.2 and comment following Section 14.3. Branches may use the traditional method of verifying voter eligibility in a mail ballot election by requiring the voter to sign the reply envelope. Alternatively, Branches may use technological means to place on each reply envelope a unique identifier which verifies the eligibility of the voter. According to your email, the Branch did neither.

In addition, the regulations require that mail ballots be enclosed in an unmarked secret ballot envelope. It appears that the Branch did not comply with this requirement either.

Accordingly, the Branch should conduct a new election. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 569 dispensation to conduct a second mail ballot. The election

should be conducted as expeditiously as possible. It is not necessary to conduct new nominations. The notice of the rerun election, along with ballot instructions, may be included with the ballots.

I recommend that before conducting the election, the election committee should consult with Assistant Secretary-Treasurer Paul Barner.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

LYNNE PENDLETON—MARIETTA, GA, REGION 9

NOVEMBER 2, 2022 (8846)

This is in reply to your email, sent November 1, 2022, regarding the charge filed against Sister Barbara Raphael by Branch 1690 President Wagner. Please note that Brother Wagner and Sister Raphael are copied on this letter.

In my letter of October 27, I authorized you, or your designee, to appoint the committee to investigate these charges. However, according to your email, President Wagner has informed you he had already appointed the committee which will present their findings at the meeting on November 16.

The appointment of the committee by Brother Wagner is clearly inconsistent with my previous ruling. Accordingly, I am directing that committee to stand down. A new committee should be appointed by you or your designee as expeditiously as possible. The committee should complete its investigation and present its report to the Branch meeting on December 14. The Branch vote on the charges against Sister Raphael shall be postponed until the new committee presents its report.

Please contact me if you need any additional assistance. Once again, this letter should not be read to express any view as to the merits of the pending charges or any related issue.

JENNIFER FLEMING—GREENWOOD, IN, BRANCH 2421

NOVEMBER 8, 2022 (8855)

This is in reply to your letter, received November 4, 2022, requesting dispensation permitting Branch 2421 to conduct its nominations and election of delegates to the 2023 Indiana State Association Convention outside the time frames specified in the Branch By-laws. According to your letter, the Branch failed to conduct nominations at its October meeting, as required by its By-laws, because it inadvertently failed to provide timely notice.

At the outset, your letter appears to be based on a misunderstanding of the applicable notice requirements. Article 5, Section 4 of the *NALC Constitution for the Government of Subordinate and Federal Branches* and Section 5.1 of the *NALC Regulations Governing Branch Election Procedures (RGBEP)* require that a notice of nominations and election be sent by mail to

each member of the Branch 45 days before the election, not 45 days before nominations. Section 6.1 of the *RGBEP* provides that the notice of nominations must be sent out 10 days before the date nominations are held.

Nonetheless, given the current situation, your request for dispensation is appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Pursuant to your request, Branch 2421 may hold nominations for delegates to the 2023 state convention at the December 2022 membership meeting; and conduct the election at the February 2023 membership meeting.

As stated in your letter, please make sure that timely notice of the new nominations date and the election is provided to all active and retired members of the Branch by publication in *The Postal Record*, or otherwise.

I trust that the foregoing addresses your concerns.

MARVIN BOLIN—SAN FRANCISCO, CA, BRANCH 214

NOVEMBER 8, 2022 (8856)

This is in reply to your letter, dated November 4, 2022, regarding a motion passed by the members of Branch 214 at its November meeting to vacate a motion previously adopted by the Branch in March. The original motion authorized the expenditure of up to \$75,000 to pay for members who perform work for the Branch assigned by the President. You now ask (1) whether the November vote was permissible, and (2) whether, as Branch President, you can make the necessary expenditures without membership authorization in order to ensure that the Branch meets its representational responsibilities.

Under the *NALC Constitution*, all expenditures by the Branch, including officer or staff compensation, must be approved by vote of the members as provided by Article 12, Section 3 of the *NALC Constitution for the Government of Subordinate and Federal Branches*. Article 12, Section 3 expressly states that all Branch funds “shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.”

Since the membership has the ultimate authority over the expenditure of Branch funds, the members may withdraw their authorization of expenditures not yet made, so long as doing so does not conflict with the Branch By-laws. Your letter does not suggest that the \$75,000 that was budgeted in March was required by the By-laws.

As to your second question, it does not appear, based on the limited facts presented in your letter, that you would be entitled to make unauthorized expenditures, even if you conclude that the expenditures were necessary to

provide proper representation to members of the Branch.

As you recognize, it is ultimately the responsibility of the National Union to ensure proper representation of all city letter carriers. Accordingly, by copy of this letter, I am requesting that Vice President James Henry, Director of City Delivery Chris Jackson, and National Business Agent Bryant Almario confer and determine whether additional intervention by the National Union is necessary and appropriate in this situation. However, the Branch must understand that the NALC reserves the right to charge the Branch for any expenses incurred in handling Branch functions and to deduct such charges from Branch 214's dues reimbursement payments.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to our attention.

BREONNA JACKSON—MONTGOMERY, AL, BRANCH 106
NOVEMBER 10, 2022 (8858)

This is in reply to your email, sent November 10, 2022, requesting dispensation permitting Branch 106 to convene a special meeting to conduct its nomination of delegates to the upcoming State Convention out of time. According to your letter, the Branch inadvertently failed to hold its nominations as scheduled.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 106 dispensation to conduct nominations and, if necessary, an election of its delegates at a regular or special meeting, notwithstanding the provisions of its By-laws.

The Branch must provide appropriate and timely notice of the nominations and election to all active and retired members as expeditiously as possible. To comply with federal law, the Branch must send to each member by first-class mail a proper notice of nominations and election no less than 15 days prior to the election. Nominations and the election may be at the same meeting.

Please understand that this dispensation applies only to the 2022 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns.

LYDIA AMADOR—PASADENA, TX, BRANCH 3867
NOVEMBER 10, 2022 (8859)

This is in reply to your letter, dated November 9, 2022, in which you raise several objections to the conduct of the ongoing election of officers and stewards in Branch 3867.

While I appreciate your concerns, I must

advise that it would be inappropriate for me to comment on your specific claims, particularly since I only have your side of the story before me. There is no basis for any intervention in this election by the National Union at this time.

All objections to the conduct of an election must be brought in the form of a post-election complaint to the Branch Election Committee under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. It is the responsibility of the Election Committee to rule on the issues raised by the appeal. The Committee's decision may be appealed to the Branch Executive Board. Thereafter, the matter will be subject to appeal to the Branch and to the National Committee on Appeals.

This letter should not be read as expressing any view as to the merits of any issues which may be raised in any appeal.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

FREDERICK WOODLEY JR.—YOUNGSTOWN, OH, BRANCH 385
NOVEMBER 16, 2022 (8861)

This is in reply to your letter, dated November 13, 2022, requesting dispensation permitting Branch 385 to reschedule its nominations of officers to its meeting on December 7 and to conduct its election at the regular Branch meeting on January 4, 2023. According to your letter, the Branch recently discovered that its notice of nominations and election did not comply with applicable requirements.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2022 nomination and election of delegates and trustees. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

DAVID BARBUZZI—TEWKSBURY, MA, BRANCH 25
NOVEMBER 16, 2022 (8862)

This is in reply to your letter, dated November 14, 2022, concerning your impending resignation as President of Branch 25 in order to begin your service as an NALC RWCA. According to your letter, Executive Vice President Paul Desmond does not wish to become President as required by the Branch By-laws. Accordingly, you request dispensation permitting Vice President Dan Wheeler to serve as President

following your resignation.

Your request is reasonable in light of the circumstances set forth in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Vice President Wheeler may be installed as President of Branch 25 upon your resignation.

Thank you for bringing this matter to my attention. I appreciate the willingness of both Brothers Wheeler and Desmond to continue to serve as Branch officers.

CHUCK GOUSHIAN—COLLINGSWOOD, NJ, BRANCH 540
NOVEMBER 17, 2022 (8863)

This is in reply to your letter, dated November 12, 2022, inquiring whether Kyle Reynolds is eligible to be a candidate for an elected alternate steward position. According to your email Brother Reynolds had been detailed to a non-bargaining unit position of Employee Development Specialist and it has been less than two years since the detail was terminated.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* provides that a member who holds, accepts, or applies for a supervisory position is not eligible to hold any office in the Branch for a period of two years. However, as previous rulings have repeatedly held, higher level, non-bargaining unit positions are not necessarily supervisory for purposes of these constitutional provisions.

Generally speaking, a position is considered supervisory if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties.

Your description of Brother Reynolds' duties indicates that he did not have supervisory authority over letter carriers. However, it is the responsibility of the Branch to make the final determination as to whether the position in question carries supervisory authority. If necessary, you or another officer may discuss the matter with management. If the Branch concludes that the Employee Development Specialist position did not entail supervisory authority, then Brother Reynolds would not be disqualified from serving as a steward.

I trust that the foregoing addresses your concerns.

AMY BREAU—PITTSFIELD, MA, BRANCH 286
NOVEMBER 21, 2022 (8865)

This is in reply to your email, sent November 16, 2022, and responds to the issues raised in the email to the chairman of the Branch 286 Election Committee that you forwarded. The emails raise various issues pertaining to the ongoing Branch election.

1. Voting rights of members employed in other crafts

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Non-letter carrier members, such as clerks and maintenance employees, have full rights as members of the NALC. Article 2, Section 1(a) of the *NALC National Constitution* defines “regular” members as including “non-supervisory employees of the Postal Career Service.” It does not limit regular membership to employees in the letter carrier craft. Accordingly, non-supervisory members employed in other crafts are eligible to vote in Branch elections.

2. Voting rights of members in supervisory status

The membership rights of members who accept supervisory positions—which includes the right to vote in a branch election—are addressed by Article 2, Section 1(c) of the *NALC Constitution*, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or

National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance[.]

Previous rulings interpreting this provision have established that a member occupying a supervisory position may not exercise membership rights or otherwise participate in official Branch activities while they are acting in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues). Accordingly, such members may not exercise the right to vote in a Branch election of officers.

However, the rulings have also consistently recognized that when the members return to a bargaining unit assignment, they immediately regain full membership rights, except for the right to be a candidate for Branch office. For example, if a 204b returns to a bargaining unit assignment, the member would at that point have the right to vote in the election.

Members who serve intermittently as temporary supervisors may vote in branch elections on days that they are not serving in a supervisory capacity. As a general rule, the Branch should send ballots to such members in a mail ballot election. However, the Branch should instruct these members that they may not complete or submit the ballot at times that they are serving as supervisors.

If there is a factual question as to whether a ballot was submitted by a member while serving in a supervisory capacity, then the election committee should treat the ballot as challenged at the time of the vote count. The committee should then follow the procedures set forth in Section 15 of the *NALC Regulations Governing Branch Election Procedures (RGBEP)*.

3. Voting rights of members who are in arrears in their dues

Neither the *Constitution* nor the *RGBEP* condition the right to vote on “good standing.” Rather, Article 5, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* states that “All regular members shall be entitled to one vote for each office or position to be filled.” Similarly, Section 11.4 of the *RGBEP* states that, “Each regular branch member, as defined in Article 2, Section 1(a) of the *NALC Constitution*, is entitled to one vote for each position to be filled.” Accordingly, members are not automatically disqualified from voting because they are in arrears in their dues.

The question whether members who are in arrears in their dues may vote depends on whether these members have forfeited their membership under Article 7, Section 4 of the *CGSFB*. Under Article 7, Section 4, “[a]ny member failing to pay . . . monthly dues within thirty (30) days after the same shall become due” must forfeit his/her membership. This requirement applies to members who are not subject to dues check-off (e.g. members on compensation or LWOP). Such members are responsible for continuing to pay dues directly to the Branch.

As previous rulings have recognized, the language of Article 7, Section 4 was drafted before the dues check-off procedure came into existence. At that time, Branches were responsible for collecting dues from individual members and forwarding the national per capita tax to the National Union. During this period, Branches had discretion to develop their own procedures to collect dues, including discretion to establish reasonable “due dates” for such dues. Your email does not indicate whether Branch 286 has adopted a procedure for collecting dues from members in non-pay status, or whether it has established a due date for payment of dues by members in non-pay status.

Prior to the time of forfeiture, a member retains full membership rights. Accordingly, members who are in arrears but have not yet forfeited membership under the time frame described above, would still have the right to vote in a Branch election. They should be sent ballots in a mail ballot election. In addition, previous rulings have noted that forfeiture of membership in some situations could be avoided if the Branch entered into an agreement with the delinquent member deferring the payment of dues to a future date.

If the point of forfeiture has been reached, the members would lose all rights of Branch, State Association and National membership. The members, however, would be entitled to reinstatement under Article 7, Section 5 of the *CGSFB* upon “payment of back . . . dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied.” A member who has been reinstated under Article 7, Section 5 would have full membership rights restored, including the right to vote.

It is the responsibility of the Branch to apply the above guidelines to individual situations based on the specific circumstances. The Branch’s decision is subject to appeal. The issue of any member’s eligibility to vote may be raised during the ballot count under Section 15 of the *RGBEP* or, subsequently, in a post-election appeal under Section 21 of the *RGBEP*.

The electronic mailing list referenced in your email is the same as the printed list. The use of the electronic list does not, by itself, raise any issues. Again, the eligibility of any individual voters may be challenged during the ballot count or in a post-election appeal.

I trust that the foregoing addresses your concerns.

**LARRISSA PARDE—ST. LOUIS, MO,
REGION 5
NOVEMBER 29, 2022 (8870)**

This is in reply to your letter, dated November 18, 2022, requesting dispensation permitting Branch 10 to conduct a special election of officers. According to your letter, at its recent nominations meeting, no nominations were received for any office, including President and Vice President.

Your request is certainly appropriate. In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 10 dispensation to conduct new nominations and, if necessary, a special election for Branch President, Vice President, and any other vacant officer positions. Please provide whatever assistance the Branch may require to conduct the nominations and election.

This dispensation is only for the current election. In the future, the Branch will be expected to conduct its regular elections in accordance with the provisions of its By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**JEFFREY WAGNER—PALM SPRINGS,
FL, BRANCH 1690
NOVEMBER 29, 2022 (8872)**

This is in reply to your email, sent November 21, 2022, concerning a member who apparently brought a gun to Branch 1690’s recent membership meeting.

In response to your specific questions, NALC’s attorneys are not aware of any Department

of Labor regulations which specifically prohibit bringing guns to union meetings. Restrictions on possession of firearms are most commonly imposed by state or local law.

So far as the *NALC Constitution* is concerned, I can confirm that the Branch would have the authority to adopt and enforce a policy prohibiting members from bringing guns to Branch meetings.

I trust that the foregoing addresses your concerns.

**NERISSA BUJE—WARNER ROBINS,
GA, BRANCH 4057
NOVEMBER 30, 2022 (8877)**

This is in reply to your letter, received November 30, 2022, requesting guidance with respect to the recent nomination of officers in Branch 4057. According to your letter, the Branch was not able to conduct nominations at its regular Branch meeting because the members had to work at the Post Office on the night of the meeting. Apparently, some members were granted time to meet at the Post Office and make nominations.

While I appreciate the diligence of the members, I must advise that under the *NALC Regulations Governing Branch Election Procedures*, as well as federal law, such nominations cannot be recognized. The Branch must reschedule nominations for a future meeting. Therefore, in light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 4057 dispensation to conduct new nominations and, if necessary, a special election for all Branch officer positions.

By copy of this letter, I am directing National Business Agent Lynne Pendleton to provide whatever assistance the Branch may require to conduct the nominations and election. The Branch must provide timely and appropriate notice of the new time and place of nominations.

This dispensation is only for the current election. In the future, the Branch will be expected to conduct its regular elections in accordance with the provisions of its By-laws.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**RICHARD McLEHOSE—WEST BABYLON,
NY, BRANCH 6000
DECEMBER 5, 2022 (8878)**

This is in reply to your email, sent November 30, 2022, inquiring whether the President or Executive Board may dismiss a former officer who was appointed to the position of part-time representative in Branch 6000.

The answer to your question depends on whether the part-time representative is an elective officer position under the Branch by-laws, or simply a non-elected staff position. Article 4, Section 1 of the *Constitution for*

the Government of Subordinate and Federal Branches (CGSFB) allows Branches to enact By-laws creating additional elective offices beyond those provided for in the *Constitution*. A member occupying such an elective office may not be summarily removed. The appropriate procedure for removing an officer is to initiate charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. For purposes of the *Constitution*, it is of no significance whether the officer was elected or appointed by the Branch President to fill a vacancy.

If the part-time representative position is simply a staff position which is filled by appointment, then the *Constitution* would not prohibit summary dismissal. Of course, any such actions must be consistent with the Branch By-laws. In addition, the dismissal would be subject to appeal under the provisions of Article 11 of the *CGSFB*.

I trust that the foregoing addresses your concerns.

**KYLE WICKLINE—MATTOON, IL,
BRANCH 384
DECEMBER 13, 2022 (8888)**

This is in reply to your letter, dated December 8, 2022, requesting dispensation permitting Branch 384 to conduct an election of officers out of time. According to your letter, the Branch failed to hold its nominations and election in November, as provided by its By-laws.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 384 dispensation to conduct a special election of officers in March 2023 for the balance of the current terms of office. The Branch must provide appropriate and timely notice of the nominations and election to all active and retired members.

By copy of this letter, I am directing National Business Agent Mike Caref to provide whatever assistance the Branch may need to conduct the nominations and election.

Please understand that this dispensation applies only to the 2022 nomination and election of Branch officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I trust that the foregoing addresses your concerns.

**STEVE LASSAN—MERIDIANVILLE, AL,
REGION 8
DECEMBER 14, 2022 (8887)**

This is in reply to your letter, dated December 8, 2022, and the accompanying report by RAA Monica Walker, concerning the proposed merger of Branch 3815, Morgan City, Louisiana with Branch 2464, Bayou Land, Louisiana. Apparently, both Branches have voted in favor of

the merger. However, the President of Branch 3815 has resigned and the Branch Secretary is refusing to sign the merger application form.

Insofar as the members of both Branches have voted to approve the merger, submission of the application form is now appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am hereby authorizing you, or your designee, to complete Branch 3815's section of the standard merger application form, including the details of the merger that were shared with the members of both Branches, and to submit the form to National Headquarters.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

**LOLA IROKO—SUITLAND, MD,
BRANCH 651
DECEMBER 15, 2022 (8889)**

This is in reply to your letter, received December 12, 2022, in which you raise several objections to the composition of the committee appointed by Branch 651 President Matthews to investigate charges you have filed against another member of the Branch.

At the outset, while I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time. I can provide the following general guidance with respect to the appointment of the committee.

Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* governs the appointment of investigating committees. It specifically provides that the Branch President is to appoint committees to investigate charges against officers or members, with one exception: if the charges are filed against the Branch President, then the investigating committee is to be appointed by the Vice President (or the next highest ranking officer if the Vice President is also charged). The President has discretion to make these appointments without a vote by the members.

The only other requirement provided by Article 10, Section 3 is that the members of the committee must be "disinterested." Previous rulings have recognized that the phrase "disinterested members" means that the members appointed to the committee must be disinterested with respect to all charges they are responsible for investigating. Quite obviously, the charging or charged parties may not be appointed to the committee. Similarly, any officer or member who is likely to be involved in the investigation as a witness should not be appointed. However, contrary to your suggestion, the *Constitution* does not broadly disqualify Branch officers or members because they work with the charged party.

Objections to the composition of the committee can be made at the meeting at which the

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committee reports its findings to the Branch. In addition, previous rulings have recognized that even if there is no separate appeal challenging a committee appointment, a claim that one or more committee members was not “disinterested,” or that appointments to the committee were otherwise improper, can be included in an appeal to the National Committee on Appeals from the Branch’s ultimate determination of the merits of the charges.

Ultimately, what matters is that the facts are fully investigated and that a fair and accurate presentation is made to the Branch before it votes on the merits of the charges.

I trust that the foregoing addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any appeal.

**ERIC SLOAN—MARIETTA, GA, REGION 9
DECEMBER 15, 2022 (8891)**

This is in reply to your email, sent December 12, 2022, and to the accompanying letter from Branch 6070 President Latoya Freeman. Both of you request guidance as to how to proceed following the Branch’s failed attempt to conduct nominations. Apparently, no members showed up at the Branch’s nominations meeting on November 1.

First, as requested, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Sister Freeman to continue to serve as President until a new election can be held and a new president installed.

Second, I am directing Brother Sloan to investigate whether Branch 6070 is capable of functioning as an NALC Branch and whether the Branch will be capable of conducting an election in the near future. In addition, please investigate whether a merger can be arranged with Branch 2225 Decatur, Georgia. Your findings should be reported to National President Brian Renfro following his installation on December 17.

I trust that the foregoing addresses your concerns. Thank you for your diligent efforts in resolving this difficult problem.

**KYLE NELSON—MARTINEZ, CA,
BRANCH 214
DECEMBER 15, 2022 (8892)**

This is in reply to your email, sent December 13, 2022, inquiring as to the scope of Article 10 of the *NALC Constitution*.

As you correctly note, Article 10 provides that “any member” may file charges with the Executive Council against “an officer of the National Association or a State Association.” There is no requirement that the charged officer be a member of the same Branch as the member who files the charge.

As to your second question, the elected and appointed officers of the National Union are set forth in Article 6 of the *NALC Constitution*. National Assigned Assistants (NAAs) are not

included in Article 6. Accordingly, NAAs are not officers who can be charged under Article 10.

I trust that the foregoing addresses your concerns.

**CARLOS VILLALOBOS—MESA, AZ,
BRANCH 1902
DECEMBER 15, 2022 (8893)**

This is in reply to your letter, dated December 12, 2022, requesting dispensation permitting Branch 1902 to permit members to participate in Branch meetings virtually pending amendment of the Branch’s By-laws. According to your letter, the current By-laws do not permit remote participation, but the Branch is currently working on amending its By-laws to permit members to do so.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. This dispensation authorizes the Branch to permit members to attend in-person Branch meetings virtually. This dispensation is effective until the Branch adopts appropriate amendments to its By-laws governing virtual participation in Branch meetings.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention and for your kind personal wishes regarding my retirement.

**ZED WALTZ—VERSAILLES, KY,
BRANCH 361
DECEMBER 15, 2022 (8895)**

This is in reply to your letter, dated December 7, 2022, concerning charges that have been filed against the President of Branch 361 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Specifically, you inquire how a committee to investigate the charges against the President can be appointed insofar as the Branch does not have a Vice President.

Article 10, Section 3 of the *CGSFB* provides that the committee is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” If the Branch does not have a Vice President, then the next highest ranking officer should do so. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee. As a last resort, the National President may authorize National Business Agents to appoint investigating committees where the Branch has been unable to do so.

I trust that the foregoing, at least in part, addresses your concerns. This letter should not

be read to reflect any view as to the merits of the pending charges against Branch President Preston.

**JASON DUNNING—WATERFORD, MI,
BRANCH 320
JANUARY 10, 2023 (8916)**

This is in reply to your email, sent January 6, 2023, requesting that I authorize the appointment of a committee consisting of NALC members outside Branch 320 to investigate charges brought by the Treasurer of Branch 320 against the former President of the Branch. This request is based on the nature of the charges and the need to avoid any appearance of bias.

Your request is appropriate. Accordingly, by copy of this letter I am authorizing National Business Agent David Mudd to appoint a committee consisting of members outside Branch 320 to investigate the charges against Sister Williams.

I hope that this letter responds to your concerns. This letter should not be read to express any view as to the merits of the charges or any related issue.

**JAMES ZERN—NEW SMYRNA BEACH,
FL, BRANCH 3129
JANUARY 11, 2023 (8917)**

This is in reply to your letter, dated December 25, 2022, requesting dispensation permitting Branch 3129 to conduct a special election of officers. This special election is necessary because the Branch failed to provide appropriate notice of nominations and the election to all members as required by the *NALC Constitution*, *NALC Regulations Governing Branch Election Procedures*, and the Branch By-laws.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 3129 should conduct the special election as expeditiously as possible. Please make sure that all active and retired members are provided timely notice of the nominations and election by mail.

By copy of this letter, I am directing National Business Agent Eddie Davidson to provide whatever assistance the Branch may need in conducting the nominations and election.

I hope that this response addresses your concerns. Thank you for bringing this matter to my attention.

**ERNIE KIRKLAND—CLERMONT, FL,
BRANCH 361
JANUARY 20, 2023 (8926)**

This letter responds to your request to Executive Vice President Paul Barner that I issue a presidential dispensation to address the situation in Branch 361. The President and Vice President have resigned. I have authorized you to assist the Branch in conducting a special election to fill these positions, but until that

process is completed these offices are vacant.

In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am now authorizing you to designate one or more of the remaining elected officers to discharge the duties of the Branch President and Vice President under the *Constitution* and Branch By-laws. Such duties include, but are not limited to, authorizing expenditures; signing documents such as warrants, checks, and the Branch's LM report; presiding over meetings; and appointing committees. This authorization shall continue until such time as a new President and Vice President are elected and installed.

Please feel free to contact us if you need further assistance. Thank you for bringing this matter to our attention.

**SHAWN BOYD—KINGWOOD, TX,
REGION 10**

JANUARY 20, 2023 (8927)

This is in reply to your email, sent January 18, 2023, concerning the situation in Branch 3244, Carlsbad, New Mexico. Apparently, the Branch recently attempted to conduct nominations of its officers, but no one was nominated. You now request dispensation permitting you or your designee to conduct new nominations and a special election, if necessary. You also seek authorization to explore the possibility of arranging a merger of Branch 3244 with another functioning Branch.

Your requests are entirely appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 3244 dispensation to conduct a special election of officers and stewards. As you requested, I authorize you or your designee to provide whatever assistance may be necessary to ensure that the Branch nominations and an election take place as expeditiously as possible. Your office should continue to monitor this situation and advise me if any additional action is required.

In addition, your office should contact other Branches that are located near Branch 3244 and determine whether a suitable merger could be arranged.

Please feel free to contact me if you require any additional assistance. Thank you for bringing this matter to my attention.

**TYLER TOLONEN—NORTH FOND DU
LAC, WI, BRANCH 125**

JANUARY 31, 2023 (8937)

This is in reply to your letter, received January 27, 2023, in which you seek to file charges against the President of Branch 125 with the NALC Executive Council.

Please be advised that there is no basis in the *Constitution* for filing these charges with the Executive Council. Article 10 of the *NALC Constitution* authorizes members to file charges with the Council only against National or

State officers. Charges against Branch officers must be filed at the Branch level, as provided by Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*

I hope that this letter responds to your concerns, at least in part. This letter should not be read to express any view as to the merits of any charges that you may file.

**SHAWN BOYD—KINGWOOD, TX,
REGION 10**

FEBRUARY 10, 2023 (8948)

This is in reply to your recent email concerning the situation in Branch 4278, Truth or Consequences, New Mexico. According to your email, this Branch is nonfunctioning with four active members and one retired member. They have no meetings, have elected no officers and have no steward. While Branch 2905 Las Cruces, New Mexico is interested in pursuing a merger, Branch 4278 has no officers to implement the merger process.

In light of this situation, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby authorize you or your designee to have merger discussions on behalf of Branch 4278 and to facilitate a merger with Branch 2905.

When the details of the proposed merger are finalized you or your designee may convene a merger meeting for Branch 4278 upon thirty days' notice, conduct the vote, and may sign the merger application on behalf of Branch 4278. In accordance with Article 2, Section 3 of the *Constitution*, the notice must set forth the details of the proposed merger.

Thank you for addressing this situation. Please feel free to contact me if you need any additional assistance or guidance.

**JOANN GILBAUGH—ST. LOUIS PARK,
MN, BRANCH 9**

FEBRUARY 10, 2023 (8949)

This is in reply to your letter, dated January 31, 2023, requesting dispensation permitting Branch 9 to give attendance credit to convention delegates who attend Branch meetings remotely. According to your letter, the current wording of the Branch By-laws preclude granting delegates credit unless they attend meetings in person. The Branch is now conducting hybrid meetings which allow members to participate remotely via Zoom. The Branch is currently in the process of amending its By-laws to allow delegates to receive credit for remote attendance, but this amendment is not now in effect.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Pending enactment of the proposed By-law amendment, Branch 9 may grant credit to convention delegates for attending meetings by Zoom and may compensate such delegates

consistent with its By-laws and membership authorization. If the By-law amendment is disapproved, this dispensation will cease to be in effect.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**JULIAN GILES—COPPERAS COVE, TX,
BRANCH 5734**

FEBRUARY 10, 2023 (8950)

Your email to Executive Vice President Paul Barner, sent February 6, 2023, has been referred to me for reply. Your email indicates that Branch 5734 has not been able to meet its quorum requirement and would like to reduce its quorum from five members to three.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant dispensation permitting Branch 5734 to suspend compliance with its By-law provision governing the quorum requirement for membership meetings. The Branch may implement a quorum requirement of three members. The Branch should amend its By-laws to reduce the quorum requirement as expeditiously as possible.

Please make sure that appropriate and timely notice is provided to the membership regarding the time and place of meetings.

I hope that this letter addresses your concerns. Thank you for bringing this matter to our attention.

**DENISE WILLIAMS—YAKIMA, WA,
BRANCH 852**

FEBRUARY 10, 2023 (8951)

Your email to Secretary-Treasurer Nicole Rhine, sent February 7, 2023, has been referred to me for reply, since you are seeking an interpretation of the *NALC Constitution*. Your email asks whether Branch 852 may decline to send its newsletter to supervisory members.

The answer to this question is yes. Branches may adopt a policy providing that their newsletter will not be provided to any member who is serving in a supervisory position. Such a policy would be consistent with the provisions of Article 2, Section 1 (c) of the *NALC Constitution*, stating that members who "have been temporarily or permanently promoted to supervisory status . . . shall be members only for purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan." The Branch should ensure that such members' right to receive the newsletter is restored immediately upon the termination of supervisory status.

Please note that Article 7, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* does provide that in order to increase dues Branches must give "reasonable notice . . . that this question will be before the meeting." This notice require-

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ment is also incorporated in federal law. Accordingly, if the Branch uses its newsletter to notify members of a vote on a proposed dues increase, it should provide separate notice to any members, including supervisory members, who do not receive the newsletter.

In addition, Article 2, Section 1(c) of the *NALC Constitution* provides that members in supervisory status “shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof.” In order to ensure compliance with this provision, the Branch should give notice of any planned discussion or votes on matters relating to the Mutual Benefit Association or the NALC Health Benefit Plan to any supervisory members who belong to the plans.

I hope that this letter addresses your concerns.

JOSH MONROE—PARKERFIELD, KS, BRANCH 194

FEBRUARY 10, 2023 (8955)

This is in reply to your letter, received February 8, 2023, concerning the situation in Branch 194. According to your letter, the President and Secretary of the Branch have both resigned, so that there are no current Branch officers.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 194 dispensation to conduct a special election for Branch President and any other officer positions that may exist in the Branch. By copy of this letter, I am directing National Business Agent Dave Teegarden to designate a representative from his office to provide whatever assistance the Branch may require to conduct the election.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ANGELO CATONE—NORTH HAVEN, CT, BRANCH 19

FEBRUARY 23, 2023 (8973)

At the outset, thank you for your kind personal wishes. And congratulations on your election as President of Branch 19.

According to your letter, the last Branch 19 election was postponed for nine months due to the COVID-19 pandemic. You now ask whether the delay means that the next election should also be rescheduled so that the present officers can serve the full three year term provided by the Branch By-laws.

The answer to your question is no. Generally speaking, regular branch elections that were postponed because of the pandemic would be for the balance of the term of the scheduled election. Accordingly, the next election should take place at the time prescribed in the Branch By-laws, not nine months later.

I hope that this letter addresses your con-

cerns. Thank you for bringing this matter to my attention.

JOYCE KOENIG—MINOT, ND, BRANCH 1152

FEBRUARY 24, 2023 (8985)

This is in reply to your letter, received by my office February 22, 2023, advising that the President and Vice President of Branch 1152 have resigned and that the Secretary-Treasurer has also decided to resign. You now ask for dispensation permitting the Branch to conduct a special election.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 1152 dispensation to conduct a special election for Branch President, Vice President, Secretary-Treasurer, and any other vacant officer positions. By copy of this letter, I am directing National Business Agent Patrick Johnson to provide whatever assistance the Branch may require to conduct the election.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

JESSICA PITTS—ANNAPOLIS, MD, BRANCH 651

FEBRUARY 27, 2023 (8986)

This is in reply to your letter, dated February 17, 2023 requesting dispensation permitting Branch 651 to conduct a late election of delegates to the Maryland/D.C. State Convention. According to your letter, the Branch failed to conduct nominations in November and an election in December, as required by its By-laws.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that a timely notice of nominations and election is sent to all active and retired members by mail as expeditiously as possible. This dispensation releases Branch 651 from the requirement to elect its delegates by December of the year proceeding the convention year, as provided by Article 5, Section 4 of the *NALC Constitution*.

In the future, the Branch must adhere to all deadlines provided by the *Constitution*, the *NALC Regulations Governing Branch Election Procedures*, and its By-laws. The present dispensation applies only to the election of delegates that should have taken place in 2022.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

JOSH ARMACOST—CARMEL, IN, BRANCH 888

MARCH 1, 2023 (8987)

This is in reply to your letter, received February 15, 2023, advising that Branch 888 failed

to conduct an appropriate nomination of delegates to the 2023 Indiana State Association Convention as scheduled. According to your letter, you simply asked for volunteers. As you now recognize, delegates must be nominated and elected in accordance with the requirements of the *NALC Constitution* and the *Regulations Governing Branch Election Procedures*.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 888 dispensation to conduct nominations and, if necessary, an election of its state delegates. The Branch must provide appropriate and timely notice of the nominations and election to all active and retired members as expeditiously as possible. This dispensation releases Branch 888 from the requirement to elect its delegates by December of the year proceeding the convention year, as provided by Article 5, Section 4 of the *NALC Constitution*.

By copy of this letter, I am directing National Business Agent David Mudd to provide whatever assistance the Branch may require to conduct proper nominations and, if necessary, an election of delegates.

Please understand that this dispensation applies only to the nomination and election of delegates to the 2023 Indiana State Convention. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

MIKE MEADE—OCALA, FL, BRANCH 1103

MARCH 6, 2023 (8990)

This is in reply to your letter, received March 2, 2023, requesting a ruling as to whether Brother Mike Sapp has been disqualified from continuing to serve as President of Branch 1103. Apparently Brother Sapp has been texting postal management expressing his interest in becoming a 204b.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits any member who holds, accepts, or applies for a supervisory position in the Postal Service from serving as a branch officer or steward for two years following termination of supervisory status or withdrawal of the application. As a general principle, the prohibition set forth in Article 5, Section 2 covers any application for a supervisory position. It is not necessary that the member file a Form 991 or otherwise submit an application in writing. An oral or written expression of interest may constitute an application for a supervisory position, depending on the circumstances. Local practices may be relevant.

There is no particular process that must be followed to effect Brother Sapp's removal from office. If Brother Sapp acknowledges that he has effectively applied to be a supervisor he should resign immediately. Please note that I am providing him with a copy of this letter.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ROBERT WILLIAMS—FT. WASHINGTON, MD, BRANCH 142
MARCH 6, 2023 (8992)

This is in reply to your email, sent March 4, 2023, concerning a Branch 142 By-law provision requiring nominees for Branch office to submit a written acceptance of nomination with the Recording Secretary no later than twenty four hours after the nominations meeting. You now ask whether this requirement is enforceable under the *NALC Constitution*, the *Regulations Governing Branch Election Procedures (RGBEP)* and Department of Labor regulations.

Generally speaking, the answer to your question is yes; the By-law provision is enforceable.

Article 4, Section 4 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides:

Branches **at their option** may require all candidates for office or delegate to be present at the meeting when nominated, or signify in writing their willingness to serve if elected. (Emphasis added.)

The Branch "option" referred to has been interpreted as the option of requiring nominees to formally accept nomination. Accordingly, the Branch may enforce the requirement of written acceptance as to nominees who are present at the meeting.

The issue of nominees who are not at the meeting is addressed by Section 6.31(d) of the *RGBEP*, which was adopted by the Executive Council to implement Article 4, Section 4 of the *CGSFB*. It provides: "If a nominee is not present at the [nominating] meeting, written acceptance is permissible." This regulation also ensures that the nomination procedure is consistent with the requirements of federal law. The Department of Labor's (DOL) regulations covering union elections state the following:

A requirement that members must be present at the nomination meeting in order to be nominated for office might be considered unreasonable in certain circumstances; for example, in the absence of a provision for an alternative method under which a member who is unavoidably absent from the nomination meeting may be nominated, such a restriction might be regarded as inconsistent with the requirement in section 401(e) [of the Labor-Management Reporting and Disclosure Act] that there be a reasonable opportunity to nominate and to be a candidate. 29 C.F.R. Section 452.59.

Accordingly, Branches may require an absent nominee to submit an acceptance in writing.

Unfortunately, neither the DOL regulations nor the *RGBEP* sets a time frame for acceptance of nominations after the nominations meeting is closed. In most cases, the twenty four hours provided in the Branch 142 By-laws would probably be sufficient. However, I cannot rule out the possibility that in a particular case the twenty four hour deadline might be found unreasonable based on the reasons the nominee was unable to attend the meeting.

The disallowance of a nomination may be the subject of a post-election appeal under Section 21 of the *RGBEP*. This letter should not be read to express any view as to the merits of any potential appeals.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

DAVID MORSE—CLINTON, AR, BRANCH 1592
MARCH 13, 2023 (8993)

This is in reply to your email, sent March 8, 2023, inquiring whether an incumbent Trustee of Branch 1592 may continue to serve in that position. According to your email, this member is on limited duty and has been detailed to an assignment involving counting rural routes.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits any member who holds, accepts, or applies for a supervisory position in the Postal Service from serving as a branch officer for two years following termination of supervisory status. However, counting rural routes is not necessarily supervisory work, even when the member is paid at a higher level. Generally speaking, a position is considered supervisory for purposes of Article 5, Section 2 if the person holding that position has the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their work. An employee who counts rural routes would not necessarily have such authority. In this case, if the Trustee has not been given supervisory authority by management, then she would not be disqualified from serving as a branch officer.

In addition, the disqualification provided by Article 5, Section 2 applies only where the member has held, accepted or applied for a supervisory **position**. A letter carrier who simply performs a supervisory duty assigned by management as limited duty would not be disqualified from serving as a branch officer.

In sum, the facts set forth in your letter do not indicate that this member has been disqualified from serving as a Trustee of Branch 1592.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

MONICA HOWARD—PALATINE, IL, BRANCH 4268
MARCH 17, 2023 (8994)

This is in reply to your letter, dated March 13, 2023, requesting dispensation permitting Branch 4268 to reschedule its nominations for Treasurer, Trustee 1, Trustee 2, and delegates to State Convention. According to your letter, the Branch was unable to conduct nominations at its meeting on February 8, as previously scheduled. You also ask for dispensation permitting the Branch to postpone its April 12 meeting to April 19 and to conduct an election at an in-person meeting rather than by mail ballot, as required by the Branch By-laws.

In light of the facts set forth in your letter, including the impact of the COVID pandemic on staffing levels in your office, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 4268 may conduct nominations for the positions listed above at its April meeting which may be postponed to April 19. If necessary, the Branch may conduct an election at its meeting on May 10.

As stated in your letter, the Branch must send a notice of nominations and election to all active and retired members of the Branch as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of officers and delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

SHAWN BOYD—KINGWOD, TX, REGION 10
APRIL 14, 2023 (9000)

This is in reply to your email, sent April 3, 2023, requesting dispensation authorizing your office to conduct a special election of officers in Branch 3843. According to your email, the Branch has no current officers. They do not wish to merge at this time and are prepared to hold branch elections. However, they did not hold elections in accordance with their current by-laws.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 3843 may conduct a special election for all vacant officer positions under the supervision of your office. Please make the necessary arrangements as expeditiously as possible.

In addition, in response to your separate request, I am hereby authorizing you or your designee to initiate merger discussions on behalf of Branch 3843 and to facilitate a merger

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with Branch 283, in the event that no members accept nominations to serve as officers. This should be done concurrently so you can advise them of the nominations and election while advising them of the merger vote if the election is not successful.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

EDDIE DAVIDSON—MARIETTA, GA, REGION 9

APRIL 18, 2023 (9005)

This is in reply to your email, sent April 7, 2023, concerning the proposed merger of Branch 2553, Greer, South Carolina with Branch 439, Greenville South Carolina. You have been assigned to conduct a Branch meeting to discuss and vote on the proposed merger. You now request dispensation permitting the Branch to waive the quorum requirement in its By-laws so that the members can discuss and vote on the merger.

In light of the facts presented, and in accordance with Article 9, Section 1 of the *NALC Constitution*, the requested dispensation is hereby granted. The members of Branch 2553 in attendance may vote on the merger proposal at their next regular meeting on June 6. The vote may go forward even if a quorum is not present.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

JOSEPH WALDER JR.—CLEMONTON, NJ, BRANCH 4623

APRIL 18, 2023 (9006)

This is in reply to your letter, received by my office April 13, 2023, requesting dispensation permitting Branch 4623 to reschedule its nominations and election of officers. According to your letter, the Branch failed to conduct nominations in February as required by its By-laws, because a quorum was not present at the meeting.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 4623 dispensation to reschedule its nominations and election. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

CATHERINE BODNAR—HIGHLAND, IN INDIANA STATE ASSOCIATION OF LETTER CARRIERS

APRIL 20, 2023 (9013)

This is in reply to your letter, received April 17, 2023, requesting dispensation permitting the Indiana State Association of Letter Carriers to determine the number of delegates to which Branches are entitled for its upcoming Convention in a manner which is inconsistent with its current By-laws.

As noted in your letter, the By-laws provide for the Branch membership count to be set in January of the Convention year. However, this year a number of Branches were dissolved after January and their members were transferred to other Branches. The State Association now asks for dispensation to allow these transferred members to be added to the membership count of the receiving Branches.

This request is certainly reasonable. Therefore, in accordance with Article 9, Section 1 of the *NALC Constitution*, the requested dispensation is hereby granted.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ZIPPORAH WHITE—BRANCH 73, ATLANTA, GA

APRIL 21, 2023 (9016)

This is in reply to your email to National Business Agent Eddie Davidson and the National President, sent April 14, 2023. Your email seeks clarification of the authority of the President of Branch 73 to assign an alternate steward to handle certain contractual issues in your station.

At the outset, your email does not provide sufficient detail for me to offer any comment on the particular actions which prompted you to write. Those issues may be addressed by Brother Davidson. However, I can offer the following general guidance.

Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall have “general supervisory powers over the Branch” and the authority to “see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch.” In addition, Article 6, Section 1 provides that the Branch President is Chief Shop Steward of the Branch. The President, therefore, retains the ultimate authority to supervise all stewards in the performance of their duties, regardless of whether they are elected or appointed. This would include both regular and alternate stewards.

Of course, any exercise of presidential authority must be consistent with the Branch By-laws. However, disputes over the meaning or application of by-law provisions must be resolved, in the first instance, at the Branch

level. Any decision by the President with respect to the application of the By-laws may be appealed to the Branch under Article 11, Section 1 of the *CGSFB*. The Branch’s decision may be appealed to the National Committee on Appeals under Article 11, Section 2.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

KATHY HUNTER—BRANCH 246, KALAMAZOO, MI

MAY 4, 2023 (9031)

Your email to Secretary-Treasurer Nicole Rhine, sent April 29, 2023, has been referred to me for reply, insofar as your email raises issues of constitutional interpretation.

Before addressing your specific questions, I must emphasize that it is my responsibility to rule on the interpretation of the *NALC Constitution*. Issues involving the interpretation or application of the Branch By-laws must be resolved, in the first instance, at the Branch level. If the By-laws are ambiguous, I would suggest that the Branch enact a clarifying amendment which reflects the will of the members.

Multiple Office Holding

Previous rulings have held that the *Constitution* does not permit members to simultaneously hold more than one elected Branch office. Article 5, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that “all regular members shall be eligible to hold any office or position in the Branch...” Article 4, Section 3 of the *CGSFB* permits actual consolidation of offices by specific Branch action, but not multiple office holding. These provisions have been interpreted to mean that a member may not be nominated to run for, or hold, more than one Branch office at one time. Should the Branch choose to consolidate any of its offices, it must amend its By-Laws to describe the consolidation.

In the situation described in your email, it would not be permissible for you to accept your appointment as Branch Vice President and to retain your previous position as Secretary. However, the President of the Branch does have the authority to assign the duties of unfilled offices to the current elected officers on a temporary basis until such time as the vacant office is filled. This means that as Vice President you could temporarily be assigned the duties normally performed by the Secretary even though you no longer hold that title. The decision to assign those duties to you would have to be made by the Branch President.

Salaries

Since officers are only entitled to hold one office at a time, they would normally be entitled to receive only the salary specified in the Branch By-laws for the office they hold. Officers who are temporarily assigned additional duties may receive additional compensation, so

long as such compensation has been properly authorized by the members. All expenditures by the Branch, including officer compensation, must be approved by vote of the members as provided by Article 12, Section 3 of the *CGSFB*. Article 12, Section 3 expressly states that all Branch funds “shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.”

Unelected Positions

Previous rulings have recognized that it is permissible under the *Constitution* for a member to serve simultaneously as both a branch officer and in an unelected non-officer position, such as steward or editor, so long as the position is not a branch office under the By-laws (e.g. if stewards are appointed and do not sit on the Branch Executive Board).

The question whether a member may receive separate compensation for service as both a Branch officer and a steward or editor turns on the meaning and intent of the applicable Branch By-laws. It is permissible for the Branch By-laws to authorize the payment of separate salaries to one individual who serves as both an officer and a steward or editor. However, as noted above, the interpretation and application of a Branch By-law is, in the first instance, the responsibility of the Branch.

Finally, if the stewards in Branch 246 are appointed then the Branch’s exclusion of stewards from sitting on its Executive Board is correct.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

DAN O’HARA—BRANCH 257, DUBUQUE, IA MAY 9, 2023 (9040)

Your email to NALC Secretary-Treasurer Nicole Rhine, sent April 12, 2023, has been referred to me for reply, insofar as your email raises issues involving interpretation of the *NALC Constitution*. Specifically, you ask for a definition of the phrase “member in good standing” and guidance as to the consequences that may follow when a member is no longer in good standing.

Article 2, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* defines “good standing” as “paying all fines, assessments, and dues.” However, as previous rulings have recognized, a member would not lose membership in the Branch based on the failure to have made any such payments, unless the individual’s membership status has been forfeited in accordance with the provisions of Article 7, Section 4 of the *CGSFB*, or suspended following a vote on charges filed under Article 10 of the *CGSFB*.

Article 7, Section 4 of the *CGSFB* states that “[a]ny member failing to pay . . . monthly dues

within thirty (30) days after the same shall become due” must forfeit his/her membership. Thus, there is no forfeiture of membership until at least thirty days after the due date for the member’s dues. Article 7, Section 4 also permits Branches to extend the 30-day grace period for not more than an additional 60 days “for good and sufficient reasons, under reasonable rules uniformly applied.”

An additional exception to the forfeiture rule is provided by Article 7, Section 3(b) of the *CGSFB*. It states that a Branch may exempt any member from dues payments under reasonable rules uniformly applied for a stated period of time. Thus, for example, a Branch could adopt a policy providing that members will be exempt from dues payments while in non-pay status (e.g., workers compensation or leave without pay).

In the absence of an exemption from dues for members in non-pay status, branches have considerable discretion to adopt procedures for collecting dues and to establish a due date for payment of dues.

Prior to the time of forfeiture, the member retains full membership rights, including the right to attend and vote at meetings, vote in Branch elections, and be a candidate for office. But when the point of forfeiture is reached, the member loses all rights of Branch, State Association and National membership.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

BRUCE DIDRIKSEN—NEW JERSEY, NJ, REGION 15 MAY 17, 2023 (9042)

This is in reply to your email, sent May 9, 2023, concerning a question raised by Branch 768 President Tauny Brown. He notes that, as a result of the DUO process, the Hillsborough and Manville, New Jersey Post Offices are located in the same building. Hillsborough carriers belong to Branch 768 while Manville is represented by Branch 444. The question is what would happen if the current Hillsborough steward, a member of Branch 768, were to be reassigned to a Manville route.

In answer to the specific question raised, we could grant an appropriate dispensation under Article 9, Section 1 of the *NALC Constitution* which would allow this member to continue to serve as the steward for the Hillsborough letter carriers. We would have to examine the particular situation at that time to determine whether any issues would arise under the National Agreement.

Thank you for bringing this matter to my attention.

ANNA MADU—ATLANTA, GA, BRANCH 73 MAY 17, 2023 (9045)

This is in reply to your letter, dated May 9, 2023, concerning your removal as shop stew-

ard for the Smyrna Post Office by Branch 73 President Regal Phillips.

Please be advised that there is no basis for any intervention by the National Union in this matter at this time. Decisions by a Branch President may be appealed to the Branch under Article 11, Section 1 of the *NALC Constitution* for the *Government of Subordinate and Federal Branches (CGSFB)*. The Branch’s decision may be appealed to the National Committee on Appeals under Article 11, Section 2 of the *CGSFB*.

Your letter also advises that the Postal Service is violating Article 8 of the National Agreement in your office. That issue should be referred to the Branch or to your National Business Agent Eddie Davidson.

I trust that this letter addresses your concerns, at least in part. This letter should not be read to express any view as to the merits or timeliness of any appeal that you may bring.

ADAM WAUGH—JACKSON, OH, BRACNH 1252 MAY 19, 2023 (9047)

This is in reply to your email, sent May 13, 2023, requesting dispensation permitting you to serve as acting President of Branch 1252 and authorizing you to appoint other members to vacant officer positions. According to your email, the President and steward of the Branch have resigned, and there are no other Branch officers.

Please be advised that a special election will be necessary to fill the position of Branch President. In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the Branch dispensation to conduct a special election of President and any other vacant officer positions for the remainder of the current terms of office.

By copy of this letter, I am authorizing National Business Agent Mark Camilli to provide the Branch any assistance it may require to conduct the special election. In addition, pending the election and installation of a new President, I am authorizing Brother Camilli to arrange Branch meetings and to take whatever actions may be required to enforce the National Agreement. Brother Camilli should also assist the Branch in drafting By-laws.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

DARLA BULLIS—PHOENIX, AZ, BRANCH 576 MAY 24, 2023 (9059)

This is in reply to your letter, dated May 8, 2023, inquiring whether Branch 576 may implement an Executive Board resolution, apparently approved by the members, to make a \$50 charitable contribution in memory of deceased members. According to your letter, the particular charity would be designated by the family of

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the deceased member.

Article 8 of the *Constitution for the Government of Subordinate and Federal Branches (CFGFSB)* prohibits mandatory assessment of dues to fund a death benefit program. Prior rulings have established that a Branch may not fund such a program from the normal Branch dues structure.

Branches may make gifts to honor members who have passed away. However, in order to be consistent with the requirements of Article 8, the Branch must vote on a case-by-case basis to provide a gift (such as flowers or a charitable contribution as suggested in your letter). Each such expenditure of Branch funds would have to be approved by “a majority vote of the members present and voting at a regular meeting,” as provided by Article 12, Section 3 of the *CFGFSB*. A decision to provide a contribution on one occasion would not require the Branch to make a contribution in any other situation. In this scenario the contribution would not represent a mandatory benefit or obligation of Branch membership and, therefore, would be outside of the scope of the prohibition set forth in Article 8.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

QUETCY AVILES—NEWPORT NEWS, VA, BRANCH 609
MAY 31, 2023 (9062)

This is in reply to your email, sent May 24, 2023, which forwarded an earlier email sent by former Branch 609 President Jeannine Gasper. I apologize for the delay in responding to Sister Gasper’s questions.

Sister Gasper asked whether the prohibitions set forth in Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* apply to appointed officers, stewards, delegates, and members of branch committees. Please be advised of the following.

Vacant Officer Positions

Article 5, Section 2 specifically provides that “All regular members shall be eligible to hold any office or position in the Branch, except that a member who voluntarily or otherwise, holds, accepts, or applies for a supervisory position in the Postal Career Service for any period of time . . . shall immediately vacate any office held, and shall be ineligible to run for any office or other position for a period of two (2) years after termination of such supervisory status.” (Emphasis supplied.) Clearly the requirement that a member who holds a supervisory position must vacate any branch office held prohibits the member from serving as a branch officer, irrespective of whether the member is elected or appointed. There are no exemptions from this rule. A member who has served in or applied for a supervisory position within the previous two years MAY not be appointed

to fill an office that becomes vacant before the Branch’s next scheduled election.

Stewards

Article 5, Section 2 broadly prohibits members who have held or applied for a supervisory position in the Postal Service within the previous two years from holding “any office *or position*” in the Branch (emphasis supplied). Presidential rulings going back decades have established that this restriction applies to all steward positions whether elected or appointed.

Delegates

Article 5, Section 2 of the national portion of the *NALC Constitution* contains the same prohibition for delegates to both the national and state conventions. Thus, a member who has served in or applied for a supervisory position within the previous two years may not be serve as a convention delegate.

Committees

Finally, the rulings have recognized that Article 5, Section 2 does not generally prohibit members from serving on a Branch committee. However, members remain subject to Article 2, Section 1(c) of the *NALC Constitution*. Under this provision, a member occupying a supervisory position may not exercise membership rights or otherwise participate in official Branch activities while they are in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if they are a member thereof, or the raising of Branch dues). Accordingly, a member presently serving in a supervisory position would not be eligible to be appointed to a branch committee. Similarly, a member who intermittently works as a 204b would not be permitted to participate in the activities of a Branch committee on days that they are working as a 204b.

I hope that this letter addresses the Branch’s concerns. Thank you for bringing to my attention our failure to respond to Sister Gasper’s email.

ERIC SLOAN—MARIETTA, GA, REGION 9
JUNE 7, 2023 (9065)

This is in reply to your email, sent June 5, 2023. Your email requests dispensation permitting Branch 3129 to waive the quorum requirement in its By-laws so that it can conduct a special meeting to vote on a proposed merger with Branch 1091. According to your email, the Branch has no officers and is not functioning.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please proceed with the special meeting as expeditiously as possible. In addition, the members must understand that NALC has the authority to declare a non-functioning Branch defunct and to transfer the members to a functioning Branch.

Please feel free to contact me if you need any further assistance. Thank you for bringing this matter to my attention.

DAVID MUDD—STERLING HEIGHTS, MI, REGION 6
JUNE 14, 2023 (9074)

This is in reply to your email, sent June 9, 2023, requesting dispensation authorizing your office to conduct a special election of officers in Branch 5404. According to your letter, the President of the Branch has resigned, leaving the Branch with no officers or steward. RAA Roush is setting up a meeting with the members to determine whether they wish to have a special election or merge with another Branch.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. If the members choose to do so, Branch 5404 may conduct a special election for all vacant officer positions under the supervision of your office. Please make the necessary arrangements as expeditiously as possible.

Alternatively, your office is authorized to facilitate a merger with another appropriate Branch which is capable of representing the members of Branch 5404.

Thank you for bringing this matter to my attention.

EDDIE DAVIDSON—MARIETTA, GA, REGION 9
JUNE 14, 2023 (9075)

This is in reply to your email, sent June 10, 2023, concerning your appointment of Brother Reggie Gentle to represent letter carriers in Fayetteville, North Carolina which falls under the jurisdiction of Branch 1128. According to your email, Branch 1128 President Vega has objected to this appointment and has indicated that he will relieve Brother Gentle of any representational duties. You now ask for clarification of your authority as National Business Agent.

This will confirm that as a representative of the National Union your authority as National Business Agent supersedes the authority of the Branch President. Article 17.2.D of the National Agreement specifically authorizes the National Union to designate outside stewards to represent letter carriers. Your appointment of Brother Gentle is consistent with that provision.

The Branch must understand that the National Union is the exclusive representative of all city letter carriers who belong to a single nationwide bargaining unit. Branch officers and stewards are agents of the National Union and are all subject to the National Union’s supervisory authority. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches* does not authorize Branch Presidents to supervise or control

outside stewards or other representatives who have been appointed by the National Union.

I hope that this letter addresses your concerns. Please note that I am providing a copy of this letter to Brother Vega. Thank you for bringing this matter to my attention.

**DAEQUAN SHAMBLEY—HELEN, MT,
BRANCH 220**

JUNE 14, 2023 (9076)

This is in reply to your letter, received June 12, 2023, requesting dispensation permitting Branch 220 to conduct a special election of officers. According to your letter, the President of the Branch has resigned, and all other officer positions are vacant.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 220 may conduct a special election for all vacant officer positions. As you suggested, by copy of this letter, I am authorizing Regional Administrative Assistant Debbie Dixon to provide whatever assistance the Branch may require in arranging for nominations and, if necessary, an election.

Thank you for bringing this matter to my attention.

**CATHERINE TONDREAU—TAYLOR, MI,
BRANCH 2184**

JUNE 16, 2023 (9077)

This is in reply to your letter, sent by email June 14, 2023, regarding the charges that have recently been filed against the President, Executive Vice President, and a steward of Branch 2184 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. According to your letter a three member committee has been appointed by Branch President Gregory which you assert is not disinterested. Your letter requests that the National Union intervene in this matter and appoint a new committee to investigate the charges.

At the outset, I must emphasize that I have no first-hand knowledge of the facts. However, your letter does indicate that the committee may not have been appointed in accordance with the *Constitution*. Article 10, Section 3 of the *CGSFB* provides that the committee to investigate the charge is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” If both the President and the Vice President are charged, then the next highest ranking officer should normally appoint the committee. If, as you assert, Brother Gregory is named in the charges, then he should not have appointed the committee, and the committee should not proceed with the investigation. Please note that I am providing a copy of this letter to Brother Gregory, as well as the other charged parties.

It appears that some level of scrutiny by the National Union is warranted to ensure that the charges are investigated impartially and in full compliance with Article 10. Therefore, by copy of this letter, I am directing National Business Agent David Mudd to investigate this situation and provide whatever assistance the Branch may require. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Mudd, or his designee, to appoint the committee, if he believes that it is in the best interest of the Branch for him to do so. The committee may include disinterested members from other Branches.

I hope that this letter addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

**LEONARD ZAWISA—WYANDOTTE, MI,
BRANCH 2184**

JUNE 26, 2023 (9084)

This is in reply to your letter, dated June 6, 2023, concerning Branch 2184 President Gregory’s apparent failure to support a proposed amendment to the Branch’s By-laws that you had submitted. The current By-laws establish different rates of compensation for officers and members who work for the Branch depending on whether the officer or member is active or retired. The rates for active members are higher. Your proposal would have increased the compensation paid to retiree members. According to your letter, a committee appointed by Brother Gregory disapproved your proposal and the amendment was subsequently rejected at a Branch meeting.

At the outset, I fully appreciate your comments and concerns. Nonetheless, I must advise that the correspondence you have submitted does not indicate that any intervention by the National Union is warranted.

Under the *NALC Constitution*, it is completely up to the members of each Branch to decide the compensation of officers and other members who work for the Branch. All expenditures by the Branch, including compensation of officers and members, must be approved by vote of the members as provided by Article 12, Section 3 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Article 12, Section 3 expressly states that all Branch funds “shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.”

A Branch may authorize officer or member compensation in advance through its By-laws. However, if compensation is provided by the By-laws, then it may be changed only if the Branch votes to amend the By-laws.

Please understand that nothing in this letter should be read to indicate that I agree with your

characterization of the existing situation. At the same time, I recognize that your concerns are perfectly legitimate, and you should feel free to exercise your rights as union members to speak out and to continue to seek to change the current By-laws. Note too that I am providing a copy of this letter to Brother Gregory.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

**DON LYERLY—POWDER SPRINGS, GA
JUNE 23, 2023 (9085)**

This will confirm that you have submitted a charge against President Brian Renfroe under Article 10 of the *NALC Constitution*. The charge was received at NALC Headquarters on June 21, 2023.

Please be advised that your charge will not be processed because you have accepted a supervisory position in the Postal Service. As stated in Article 2, Section 1(c) of the *Constitution*, members who “have been temporarily or permanently promoted to supervisory status . . . shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan.” Therefore, as a supervisory member, you do not have standing to file a charge against any officer or member of the NALC.

In addition, your charge fails to allege a violation of the *NALC Constitution*. Article 9 of the *Constitution* confers upon the National President the exclusive authority to appoint Regional Administrative Assistants. That authority encompasses the power to replace previously appointed RAAs at the President’s discretion.

Accordingly, no further action will be taken in connection with your charge.

**JAMES GENTRY—YORK, SC, BRANCH
1003**

JUNE 29, 2023 (9089)

This is in reply to your letter, dated June 7, 2023, advising that Branch 1003 President Kenny Plemons has passed away and that, as the elected Vice President, you have now become President of the Branch. You now ask for guidance as to how to fill the resulting vacancy in the office of Vice President.

At the outset, I am sorry to learn of Brother Plemons’ passing. Please convey my condolences to the members of Branch 1003 and to Brother Plemons’ family.

The answer to your question is governed by the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Article 6, Section 2 of the *CGSFB* provides that the Vice President of the Branch succeeds to the Presidency upon the death of the President. The Vice President, upon becoming President, would then have the authority to fill the resulting vacancy in the office of Vice President by appointment, as provided by Article 4, Section

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2 of the *CGSFB*, unless the Branch has enacted By-laws which provide an order of succession or for a special election.

According to your letter, the Branch By-laws do not contain any provisions regarding how the office of Vice President is to be filled. Therefore, in accordance with the *Constitution*, you may appoint a member of the Branch to that office for the balance of the current term.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

EDDIE DAVIDSON—MARIETTA, GA, REGION 9

JULY 11, 2023 (9096)

This is in reply to your email, sent July 6, 2023, concerning the appointment of a committee to investigate charges against the President of Branch 546. Branch Vice President Terrell advises that he is unable to appoint a committee of disinterested members and has requested that you appoint the committee.

Brother Terrell's request for assistance in appointing the committee appears to be reasonable in light of the facts presented in his letter. Accordingly, I am authorizing you or a representative from your office, whom you may designate, to appoint the investigating committee. If necessary, you, or your designee, may arrange for the appointment of a committee to investigate the charges consisting of three members from outside the Branch.

Please feel free to contact me if you need additional assistance. Thank you for bringing this matter to my attention.

CHERYL LAZZERINI—DAYTON, NV, BRANCH 1707

JULY 28, 2023 (9108)

This is in reply to your letter, dated July 11, 2023, requesting dispensation permitting Branch 1707 to allow members who do not wish to attend in-person Branch meetings to participate in those meetings by Zoom.

Please be advised that presidential dispensation is not necessary. Branches are free to allow members to participate in in-person meetings virtually, by Zoom or a similar platform provided a membership verification method is utilized. If the Branch elects to do so, it must verify that any remote participant in the meeting who casts a vote by Zoom is a member of the Branch. The Branch is reminded that incorporating a virtual meeting component does not relieve the Branch of its obligations pertaining to those issues requiring secret ballot voting.

NALC Executive Vice President Paul Barner may be contacted for technical advice regarding Zoom capabilities.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

SHAWN BOYD—KINGWOOD, TX, REGION 10

JULY 28, 2023 (9114)

This is in reply to your email, sent July 20, 2023, requesting dispensation permitting Branch 3964's recent vote to approve its proposed merger with Branch 4245 to be effective even though it occurred outside the 90 day period prescribed by Article 2, Section 3(a) of the *NALC Constitution*.

According to your email, the former President of 3964 lost the paperwork and went into management at the end of 2022. The Branch recently found the merger paperwork and voted to approve the merger, which has also been approved by the members of Branch 4245.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *Constitution*, I hereby grant the requested dispensation.

Please provide whatever assistance either Branch may require to ensure that the merger application is properly submitted.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

FREDDY FERNANDEZ—MIRAMAR, FL, BRANCH 1071

AUGUST 7, 2023 (9125)

This is in reply to your email, sent July 28, 2023, inquiring whether a certain member who was not nominated or elected as a delegate of Branch 1071 may represent the Branch at the Florida State Convention.

The answer to your question is no. The *NALC Constitution* and *Regulations Governing Branch Election Procedures* require that convention delegates be nominated and elected by the Branch that they will represent.

I hope that this letter addresses your concerns.

MATTHEW LEGER—FALL RIVER, MA, BRANCH 51

AUGUST 9, 2023 (9135)

This is in reply to your letter, received by my office August 4, 2023, requesting dispensation permitting Branch 51 to temporarily suspend compliance with a provision of its By-laws requiring that \$5.00 of each member's monthly dues be deposited in the Branch's National Convention Delegate Fund. The reason for this request is that there is now an excess amount of unspent money in the fund due to the cancellation of the 2020 National Convention.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ISAAC MOORE & ROBERT SHADE— DAYTON, OH, BRANCH 182

AUGUST 18, 2023 (9146)

This is in reply to your email, sent August 14, 2023, requesting a ruling on the validity of a motion apparently adopted by Branch 182 concerning the examination of the Branch's financial books and records.

At the outset, it would be inappropriate for me to comment on the specifics of this matter, based on the limited facts set forth in your email, particularly since I only have your side of the story before me. However, I can offer the following guidance with respect to the constitutional principle that may apply to this situation.

The only provision of the *Constitution* that is directly relevant to requests for access to a Branch's financial records is Article 6, Section 4 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* which states that the Financial Secretary of the Branch "shall keep an account of all properties, investments, and funds of the Branch which at all times shall be open for inspection." Prior presidential rulings have recognized that the specific manner of inspecting the books is left to the discretion of the Branch.

Apart from the *Constitution*, federal law requires that the Branch permit members "for just cause to examine any books, records, and accounts necessary to verify" the Branch's LM-2 Report.

If you believe that the Branch has adopted a policy which is inconsistent with these requirements, the appropriate remedy would be to initiate an appeal to the National Committee on Appeals in accordance with the procedures set forth in Article 11 of the *CGSFB*.

I hope that this letter, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of any appeal that you may file.

CYNTHIA SMITH—ATHENS, GA, BRANCH 588

AUGUST 18, 2023 (9151)

This is in reply to your letter, sent August 15, 2023, requesting dispensation permitting Branch 588 to reschedule its nominations of officers. According to your letter, the Branch will be unable to conduct nominations in October as required by its By-laws, because the date of the meeting conflicts with your Rap Session in Orlando, Florida.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 588 dispensation to reschedule its nominations to its regular meeting in November. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**MELVIN MACDONALD—LIVONIA, MI,
BRANCH 2184**

AUGUST 18, 2023 (9152)

Your letter to Executive Vice President Paul Barner, dated August 15, 2023, has been referred to me for reply. Your letter raises numerous objections to the composition of the committee appointed to investigate charges that you filed against the President of Branch 2184, as well as the conduct of the investigation.

While I appreciate your concerns, I must advise that there is no basis for any intervention by the National Union in this matter at this time. Objections to the composition of the committee can be made at the meeting at which the committee reports its findings to the Branch. In addition, previous rulings have recognized that even if there is no separate appeal challenging a committee appointment, a claim that one or more committee members was not “disinterested,” or that appointments to the committee were otherwise improper, can be included in an appeal to the National Committee on Appeals from the Branch’s determination of the merits of the charges.

Ultimately, what matters is that the facts are fully investigated and that a fair and accurate presentation is made to the Branch before it votes on the merits of the charges.

I hope that this letter, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any appeal.

**CATHERINE TONDREAU—TAYLOR, MI,
BRANCH 2184**

AUGUST 21, 2023 (9153)

This is in reply to your letter, which was emailed to Executive Vice President Paul Barner on August 17, 2023, concerning the committee that has been appointed to investigate charges against the President, Executive Vice President, and a steward of Branch 2184.

As I explained in a recent letter to Brother MacDonald, we do appreciate your concerns. Nonetheless, I must advise that there is no basis for any intervention by the National Union in this matter at this time. Objections to the composition of the committee can be made at the meeting at which the committee reports its findings to the Branch. In addition, previous rulings have recognized that even if there is no separate appeal challenging a committee appointment, a claim that one or more com-

mittee members was not “disinterested,” or that appointments to the committee were otherwise improper, can be included in an appeal to the National Committee on Appeals from the Branch’s determination of the merits of the charges. Objections to the conduct of the investigation may also be raised in an appeal.

Ultimately, what matters is that the facts are fully investigated and that a fair and accurate presentation is made to the Branch before it votes on the merits of the charges.

I hope that this letter, at least in part, addresses your concerns. This letter should not be read to express any view as to the merits of any of the pending charges or any appeal.

**DAVID GROSSKOPF JR.—CHEEKTOWAGA,
NY, BRANCH 3**

AUGUST 22, 2023 (9154)

This is in reply to your email, sent August 18, 2023, requesting clarification of the appeal process provided by Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* as it pertains to appeals directed at a decision by the President of a Branch.

Article 11, Section 1 provides that “an appeal may be taken to the President from the decision of any other officers of the Branch and to the Branch from any decisions of the President, which appeal must be taken at the meeting at which the subject appealed from is under consideration, and before any other business is taken up for action.”

There are no particular procedural requirements or standard operating procedures for submitting an appeal to the Branch from a decision by the President. The President may certainly respond to the appeal. Both the appellant and the President must be given a fair opportunity to be heard. Ultimately, the members must vote on the appeal at the Branch meeting. Thereafter, an appeal may be taken from the decision of the Branch to the National Committee on Appeals in accordance with the procedures and time limits set forth in Article 11, Section 2.

Article 11, Section 1 does require that an appeal to the Branch “must be taken at the meeting at which the subject appealed from is under consideration, and before any other business is taken up for action.” Thus, an appeal challenging a decision by the President made at a Branch meeting would normally be made at that meeting and resolved before any other business.

Appeals can also challenge decisions by the President which were made between meetings, such as a decision to relieve a steward of their duties. Such an appeal would normally be made at the first meeting after the decision. Previous rulings have recognized that reading the appeal after the roll call of officers and stewards during a report of communications would be consistent with the requirement that

the appeal be acted on “before any other business is taken up for action.”

Finally, in response to your third question, the provisions of the *NALC Constitution* do supersede Branch By-laws. However, it would be inappropriate for me to rule on whether any provision of the

Branch 3 By-laws are inconsistent with the *Constitution*. Generally speaking, disputes over the interpretation or application of Branch by-laws must be addressed, in the first instance, at the branch level. I do note that the By-law provisions you cited appear to be addressed to the permanent removal of stewards. A steward relieved of duties under Article 6, Section 1 of the *CGSFB* is not considered to have been permanently removed. In that situation the steward remains entitled to attend steward meetings and to perform whatever duties were not reassigned to the extent consistent with the Branch By-laws.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**WENDY EATON—PASADENA, TX,
BRANCH 3867**

AUGUST 22, 2023 (9155)

This is in reply to your email, sent August 18, 2023, requesting that I declare charges that have been filed against you baseless.

While I appreciate your concerns, I must advise that it would be inappropriate for me to intervene in this matter at this time. As previous rulings have recognized, a Branch President cannot declare charges invalid on their face so as to prevent them from being processed by the Branch. Once filed, charges must be processed by the Branch in accordance with the procedures set forth in Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

I can provide the following interpretive guidance, which may be shared with the investigating committee and the membership.

Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch “shall, by virtue of their office, be the chief steward for the Branch, and they may delegate such authority to other members.” This language empowers the Branch President to appoint stewards. The authority to delegate this responsibility, should the Branch President so choose, cannot be taken from the President. In particular, previous rulings have recognized that a By-law provision assigning to the Branch Vice President the duties of chief shop steward conflicts with Article 6, Section 1 of the *CGSFB* and cannot be enforced.

Disputes over the meaning or application of Branch By-laws must be resolved, in the first instance, at the Branch level. Accordingly, it would be inappropriate for me to address your

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argument that the provision of the Branch 3867 By-laws cited in the charges is inconsistent with the *Constitution*. This argument may be presented to the investigating committee and to the Branch when the charges are considered. Ultimately, if the charges are sustained, this argument may be raised in an appeal to the National Committee on Appeals.

I hope that this letter addresses your concerns, at least in part. Once again, the above should not be read as expressing any view as to the merits of the charges or your suggested argument against them.

VERONICA FLORES OSBORNE—PORT ST. LUCIE, FL, BRANCH 1690
AUGUST 22, 2023 (9156)

This is in reply to your letter, dated August 13, 2023, challenging Branch 1690 President Wagner's decision not to recognize the results of an election of alternate stewards in the Midway Post Office.

At the outset, let me assure you that I appreciate the concerns expressed by you and the members who voted in the election. Nonetheless, I must advise that any intervention by the National Union would be entirely inappropriate. Disputes over the appointment or removal of stewards must be resolved, in the first instance, at the Branch level, in accordance with the Branch By-laws. The decision of the Branch President may be appealed to the Branch under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision, in turn, may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the *CGSFB*.

I trust that the foregoing addresses your concerns, at least in part. This letter should not be read to express any view as to the merits or timeliness of any appeal that you may bring.

ANTONIA SHIELDS—TRUSSVILLE, AL, BRANCH 530
AUGUST 31, 2023 (9157)

This is in reply to your letter, dated August 14, 2023, concerning your decision to remove Sister Caroline Wyatt from her steward position in Branch 530. By copy of this letter, I am also replying to the email that Sister Wyatt sent to NALC Headquarters on August 11. According to your letter, Sister Wyatt has admitted that she applied for a supervisory position in the Postal Service. She is now protesting that she shouldn't have been removed because she never accepted a supervisory appointment.

While I certainly appreciate Sister Wyatt's feelings, I must advise that if she did apply for a supervisory position, then she is no longer eligible to serve as a steward. Article 5, Section 2 of the *NALC Constitution for the Government of Subordinate and Federal Branches* provides that "All regular members shall be eligible to hold any office or position in the Branch, ex-

cept that a member who voluntarily or otherwise, holds, accepts, *or applies for a supervisory position in the Postal Career Service for any period of time . . . shall immediately vacate any office held*, and shall be ineligible to run for any office or other position for a period of two (2) years after termination of such supervisory status." (Emphasis supplied.) Previous rulings interpreting this provision have concluded that members who hold or apply for a supervisory position are ineligible to hold any position in the Branch, whether elected or appointed. This would include the position of steward.

Accordingly, your decision to remove Sister Wyatt was clearly correct. I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

STEVE KINCANNON—CLEVELAND, TN, BRANCH 1995
SEPTEMBER 20, 2023 (9168)

This is in reply to your letter, received September 1, 2023 requesting dispensation permitting Branch 1995 to conduct a special election of officers. This special election is necessary because the Branch officer positions had been left vacant in anticipation that Branch 1995 would be merged with Branch 62. However, according to your letter, Branch 62 rejected the merger.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 1995 should conduct the special election as expeditiously as possible. Please make sure that all active and retired members are provided timely notice of the nominations and election by mail.

By copy of this letter, I am directing National Business Agent Steve Lassan to provide whatever assistance the Branch may need in conducting the nominations and election.

I hope that this response addresses your concerns. Thank you for bringing this matter to my attention.

KAREN ESHABARR—SAN FRANCISCO, CA, BRANCH 214
SEPTEMBER 20, 2023 (9169)

This is in reply to your letter, dated September 1, 2023, requesting dispensation permitting Branch 214 to forgo a dues increase apparently required by the Branch By-laws. Article VII, Section 1 of the Branch 214 By-laws provides that each January the Branch dues shall be increased by one tenth of one percent of any raise in the base salary of career carriers.

According to your letter, the prior Administration miscalculated this increase so that the dues were not increased by the full amount required. You now ask for dispensation to forgo a second increase in dues this year to correct the error. You also assert that the correction is not needed because of budget savings achieved by the Branch this year.

Your request is certainly reasonable in light of the facts set forth in your letter. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 214 may forego any additional automatic dues increase for 2023 that would otherwise be required by its By-laws. This dispensation does not prevent the members from voting on any proposed dues increase in accordance with Article 7, Section 2 of the *NALC Constitution* for the Government of Subordinate and Federal Branches.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

IAN BURKE—DENTON, TX, BRANCH 1367
SEPTEMBER 21, 2023 (9148)

This is in response to your correspondence, dated August 11, 2023, regarding your complaint against the validity of the proposed merger between NALC branches 1367 and 132. Thank you for writing.

I have carefully considered the issues you raise in your letter. I will address each of them separately.

You state, "The primary complaint is that no agreement between these two branches was specified in the merger application sent to NALC President."

Response: The merger application sent to NALC headquarters was completed and signed by both branch secretaries. This application included the results of the merger vote held by both branches. Additionally, the required merger proposals with the statement of reason(s) for requesting the merger and the adopted resolution by each branch was included with the merger application. I have included these documents in my response to you.

"Br. 1367 meeting minutes from May 11th, 2023 exhibits a proposal for this merger given certain conditions (see attached). Br. 132 President, Kimetra Lewis denies any existence of said proposal or other form of written agreement between herself and former Br. 1367 President, Abbie Brewer. Therefore the vote held by Br. 1367 on June 8th, 2023 was held without the specification of these explicit agreements, violating Art. II Sec. 3, pg. (d)."

Response: Article 2, Section 3 (d) of the *Constitution of the National Association of Letter-Carriers* states, "any agreement or agreements between the applying Branches concerning by-laws, dues structure, terms and identity of officers, disposition of assets, assumption of liabilities, if any, and proposed effective date of the merger or absorption shall be specified;" The merger application sent to NALC headquarters, as well as the merger proposals with the statement of reason(s) for requesting the merger, and the adopted resolution by each branch included the agreements between

NALC Branches 1367 and 132. I have included these documents in my response to you. The requirements outlined in Article 2, Section 3 (d) of the *Constitution of the National Association of Letter Carriers* have been met.

"...no resolution was adopted by Br. 1367 nor recognized by Br. 132. When asked what Br. 132 would be submitting to National President, Br. 132 President, Lewis only provided a copy of their merger application (see attached). This application lacks a copy of a resolution in any shape or form and any statements of reason for desiring the merger from either branch. Therefore, the application contains insufficient documentation and violates Art. II, Sec. 3, pg. (f)."

Response: Article 2, Section 3 (f) of the *Constitution of the National Association of Letter Carriers* states, "an application to the President of the NALC signed by the President and Secretary of each Branch proposing to merge containing the following: a copy of the resolution adopted by each Branch; a certification by each Branch Secretary of the vote of their Branch, including the date and place of its meeting, the number of its eligible voters, and the number of affirmative votes cast; and a statement of the reasons for desiring the merger;". The merger application sent to NALC headquarters as well as the merger proposals with the statement of reason(s) for requesting the merger and the adopted resolution by each branch included the requirements outlined in Article 2, Section 3 (f) of the *Constitution of the National Association of Letter Carriers*. Again, those documents are included in this response to you.

"...no motion was ever passed before Br. 1367 membership considering such a merger. Br. 1367 meeting minutes from April 13th, 2023 exhibits a motion to "discuss having a vote at a future time" (see attached). Minutes from the following month then show that this motion was presented before membership as a motion to hold a vote to merge with Br. 132 on June 8th, 2023. A proposal to merge was then presented by then Br. President, Brewer. While membership raised objections with this timeline and even moved to cancel this vote, an unnamed national business agent was called over the phone to announce the vote would continue. As no meeting was held to consider this resolution and no call for a merger had been ever made, the date set to hold this vote violated Art. II, Sec. 3, pg. (a)".

Response: Article 2, Section 3 (a) of the *Constitution of the National Association of Letter Carriers* states, "each Branch proposing to merge shall, within a period of ninety (90) days, have a regular or special meeting. Such meeting shall be held for the purpose of considering a resolution calling for merger after at least thirty (30) days' notice of said meeting to each member, which notice shall set forth the details of the proposed merger;". There is no constitutional requirement for the branch to vote whether or not to actually hold a merger

vote. Article 2, Section 3 (a) of the *Constitution of the National Association of Letter Carriers* requires each branch to have a regular or special meeting for the purpose of considering a resolution calling for a merger. The members must be given at least 30 days' notice of the merger meeting and must be provided the details of the proposed merger. Considering you are not objecting to the timeliness of the notification, and the merger documents provided to NALC headquarters include a notice to the membership of NALC Branch 1367 that meets the requirements outlined in Article 2, Section 3 (a), I cannot find a violation in this instance either. The notification of the merger meeting is included in this response to you.

"...I contend the approval of this merger would violate Art. II, Sec. 3, pg. (h) "all mergers will be on a voluntary basis"; members cannot reasonably consent to a merge without being fully appraised of the process by officers directly involved. Members have a right to know under what conditions they are agreeing to and access to all formal agreements made upon request. If no formal agreements exist, members must be made aware of this and must not be led to believe issues that matter to them will be settled at a later date when the surviving branch is under no obligation to negotiate with these members post-merger."

Response: Article 2, Section 3 (h) of the *Constitution of the National Association of Letter Carriers* states in pertinent part, "merger applications will be considered in the light of the following criteria, among others: all mergers will be on a voluntary basis..." The merger application sent to NALC headquarters shows the Branch 1367 membership voted in favor of merging with NALC Branch 132 on a basis of 23 votes for the merger to 14 votes against the merger. Considering I have found that the membership was properly notified of the merger meeting and the membership was made aware of the proposed merger information, I must find this merger was approved by NALC Branch 1367 members on a voluntary basis.

Accordingly, your protest is hereby denied. By copy of this letter, I am instructing Secretary-Treasurer Nicole Rhine and the NALC Membership Department to process the merger application.

I trust these responses have satisfied your concerns regarding the merger between NALC Branches 1367 and 132. Again, I would like to thank you for taking the time to write me. I also thank you for your service as a letter carrier and for your dedicated membership in NALC.

JIM BROWN—DAYTON, OH, BRANCH 182

SEPTEMBER 21, 2023 (9175)

This is in reply to your letter, dated September 8, 2023, requesting clarification of the language in Article 6, Section 9 of the *Constitution for the Government of Subordinate and Federal*

Branches (CGSFB) which states that the Branch Trustees "shall have custody of all Branch property."

At the outset, the *Constitution* does not limit the scope of the property over which the Trustees have custody. The Trustees certainly are entitled to access to the Branch's financial books and records. However, there is no language which specifically authorizes the Trustees to take physical possession of the Branch's books and records or other property. Past rulings have consistently held that it is up to the Branch to determine how the Trustees are to perform their duties.

So long as the Trustees are allowed to discharge their responsibilities, as defined by Article 6, Section 9 and the Branch By-laws, there is no requirement that they be permitted, for example, to take home any records or that they have access to the records at all times. Article 6, Section 9 provides that the Trustees "shall examine and report to the Branch the condition of the books of the officers at least once every six months, compare the vouchers and records and see that they correspond with the collections and disbursements." This means that the Trustees must be permitted to examine these records. But, under the prior rulings, the time, place, and manner of examining and reporting the condition of the books is left to the discretion of the Branch and its Trustees. The Branch may adopt reasonable policies regarding these issues and may incorporate such policies in its By-laws.

Decisions by Branch officers denying specific requests for access by the Trustees may be appealed to the Branch President under Article 11, Section 1 of the *CGSFB*. The President's decision may be appealed to the Branch.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

BRANCH 5521 OFFICERS—PRAIRIE VILLAGE, KS

SEPTEMBER 21, 2023 (9177)

This is in reply to your two letters, received September 11, 2023, concerning charges that you have filed against the President of Branch 5521 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

Your first letter asserts that you believe that you cannot find three disinterested members of the Branch to investigate the charges. Accordingly, you request that I appoint the committee.

Please be advised that this request is not appropriate. Since the three of you are the members who have filed the charges, it would be completely improper for any of you to appoint the committee. Prior rulings have recognized that the committee must be appointed by an officer who is not involved in the charges. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the

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Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee. As a last resort, the National President may authorize National Business Agents to appoint investigating committees where the Branch has been unable to do so.

By copy of this letter I am directing National Business Agent David Teegarden to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Teegarden, or his designee, to appoint the committee, if he believes that it is in the best interest of the Branch for him to do so.

Your second letter raises an issue pertaining to the procedure for voting on potential penalties, if any of the charges are sustained. As you recognize, Article 10, Section 4 of the *CGSFB* requires a

two thirds vote for questions of expulsion or removal from office, and for the imposition of a fine. As previous rulings have recognized, this requirement does not refer to two thirds of the entire membership. Rather the requirement is that those specified punishments must be supported by two thirds of the votes cast by the members present and voting at the Branch meeting at which the charges are considered.

I hope that this letter addresses your concerns. This letter should not be read to express any view as to the merits of the pending charges or any related issue.

Laura Sturgeon—Decatur, IL, Branch 317 September 22, 2023 (9182)

This is in reply to your letter, dated September 14, 2023, requesting dispensation permitting Branch 317 to reschedule its nominations and election of national and state delegates. According to your letter, the Branch failed to send the members a timely notice of nominations and election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 317 dispensation to reschedule its nominations of delegates to its regular meeting in November. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

Please understand that this dispensation applies only to the 2023 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations*

Governing Branch Election Procedures.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

Michael Cipro—Worcester, MA, Branch 12 September 22, 2023 (9183)

This is in reply to your letter, dated September 15, 2023, requesting dispensation permitting Branch 12 to send two members of its Executive Board to the National Rap Session in addition to the Branch President.

Please be advised that the requested dispensation is not necessary. Article 3, Section 4(b) of the *NALC Constitution* does provide that the Rap Session shall be attended by Branch and State presidents. However, over the years, NALC Presidents have authorized expansion of the Rap Sessions to allow Branches to include additional attendees. As long as NALC continues this practice, it will be up to each Branch to decide who may attend.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

Anthony Heitic—Barberton, OH, Branch 148 September 28, 2023 (9176)

This is in reply to your letter, dated September 6, 2023, requesting a presidential ruling as to whether a Branch may enact a By-law provision requiring that the position of Letter Carrier Political Fund coordinator be filled by election rather than appointment by the Branch President.

The answer to your question is no. As you recognize, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, as amended by the 2022 NALC Convention, provides that “The President shall appoint one member or officer of the branch as a Letter Carrier Political Fund (LCPF) coordinator to educate the members of the branch so as to promote participation in the political fund established in Article 1, Section 5 of the *NALC Constitution*.” This language requires that the LCPF coordinator be appointed by the Branch President.

As noted in your letter, Article 4, Section 1 of the *CGSFB* does provide that “The Branch may provide for additional elective officers in its by-laws.” However, this language cannot be applied in a manner which is inconsistent with the appointment authority specifically accorded to the Branch President by Article 6.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

Pamela Moore—Hephzibah, GA, Branch 263 October 18, 2023 (9197)

This is in reply to your letter, dated October 4, 2023, in which you seek to file charges

against the President of Branch 263 with the NALC Executive Council.

Please be advised that there is no basis in the *Constitution* for filing these charges with the Executive Council. Article 10 of the *NALC Constitution* authorizes members to file charges with the Council only against National or State officers. Charges against Branch officers must be filed at the Branch level, as provided by Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*.

Accordingly, no action will be taken by the Executive Council with respect to your charges. This letter should not be read to express any view as to the merits of any charges that you may file with the Branch.

Randy Gremaux—Lewistown, MT **Montana State Association of Letter Carriers** October 18, 2023 (9198)

This is in reply to your letter, dated October 7, 2023, requesting dispensation permitting the Montana State Association to reschedule the dates of its 2024 convention to March to take advantage of substantially lower hotel rates.

Please be advised that the requested dispensation is not necessary. As State Association President, you and the Executive Board have the authority under the *Constitution* to change the date and location of a state convention. The relevant provision is Article 3, Section 1 of the *Constitution for the Government of State Associations* which reads as follows:

This Association shall meet at least once every three years, at such time and place as may be designated in the by-laws or decided upon by a majority vote at a previous session unless conditions should arise which require a change in the date and place decided upon or designated, when the President and Executive Board shall have authority to make such change of time or place and report same through the Secretary.

The date changes described in your letter would be consistent with this authority.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

Darren Barnes—Hampton, VA, Branch 247 October 19, 2023 (9199)

Your email to Executive Vice President Paul Barner, sent October 5, 2023, has been referred to me for reply. Your email requests dispensation permitting Branch 247 to reschedule its nominations for its five Trustee positions. According to your letter, the Branch inadvertently failed to conduct its nomination of Trustees at its regular nominations meeting in October.

In light of the facts set forth in your letter, and in accordance with my authority under

Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 247 dispensation to reschedule its nominations of Trustees to its regular meeting in November. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of Trustees. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**BRANDY SHAW—MERRILLVILLE, IN,
BRANCH 580**
OCTOBER 20, 2023 (9201)

This is in reply to your recent letter, received October 11, 2023, concerning a political mailing you have received from a candidate in the Branch 580 election of officers. The mailing contains the NALC logo which includes a reference to me as President of the NALC.

While I appreciate your concerns, I must advise that it would be inappropriate for me to comment on the apparent use of the logo or my name by a candidate in the election, insofar as this issue could be raised in a post-election appeal. I can advise you that I have not personally endorsed any candidates in this election.

Consistent with federal law, the *NALC Regulations Governing Branch Election Procedures (RGBEP)* generally prohibit the use of union funds and resources to support or oppose candidates in Branch elections. See *RGBEP* Sections 9.4 and 9.7. The NALC logo is a registered trademark of the NALC.

However, the mere fact that a candidate has included the logo on campaign material does not necessarily invalidate a Branch election or require that a rerun election be conducted. The question whether the use of the logo may have affected the outcome of the election would have to be considered in light of all relevant circumstances in the context of a post-election appeal under Section 21 of the *RGBEP*.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

**MICHAEL SHEWBART—HUNTSVILLE,
AL, BRANCH 462**
OCTOBER 20, 2023 (9205)

This is in reply to your letter, dated October 16, 2023, concerning Branch 462's inadvertent failure to conduct nominations for a three-year Trustee position at its nominations meeting on October 12. You now request dispensation permitting Branch 462 to conduct its nominations for this Trustee position at its meeting on November 2 and to postpone its mail ballot

election for this position, its stewards and convention delegates until then.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of Trustees. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**SHAWN COLLERAN—MILFORD, DE,
BRANCH 906**
OCTOBER 20, 2023 (9206)

This is in reply to your email, dated October 18, 2023, requesting dispensation permitting Branch 906 to conduct hybrid meetings, which would allow members who do not wish to attend in-person Branch meetings to participate in those meetings virtually.

Please be advised that presidential dispensation is not necessary. Branches are free to allow members to participate in in-person meetings virtually, by Zoom or a similar platform, provided a membership verification method is utilized. If the Branch elects to do so, it must verify that any remote participant in the meeting who casts a vote by Zoom is a member of the Branch. The Branch is reminded that incorporating a virtual meeting component does not relieve the Branch of its obligations pertaining to those issues requiring secret ballot voting.

NALC Executive Vice President Paul Barner may be contacted for technical advice regarding Zoom capabilities.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**PHILIP SKIPPER—PENSACOLA, FL,
BRANCH 321**
OCTOBER 20, 2023 (9207)

This is in reply to your letter, dated October 19, 2023, requesting dispensation permitting Branch 321 to postpone its election of officers and delegates to its regular December meeting. According to your letter, the Branch's election notice that was published in *The Postal Record* inadvertently failed to include the required information pertaining to the time and place of the election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch must provide appropriate and timely

notice of this change by mail to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 election. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**VERA THOMAS-PINNEY—ST. THOMAS,
VI, BRANCH 6412**
OCTOBER 20, 2023 (9208)

This is in reply to your letter, dated October 13, 2023, requesting dispensation permitting Branch 6412 to conduct a special election of officers. According to your letter, the Branch has no by-laws and has not conducted an election since the pandemic.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch must provide appropriate and timely notice of nominations and election by mail to all active and retired members as expeditiously as possible.

By copy of this letter, I am directing National Business Agent Bruce Didriksen to provide whatever assistance the Branch may need to conduct nominations and the election. Brother Didriksen's office should also assist the Branch in preparing By-laws.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**STEPHON WALKER—MIRAMAR, FL,
BRANCH 1071**
OCTOBER 16 2023 (9213)

This is in reply to your letter, dated October 20, 2023, which requests that I determine whether four members who were nominated for Branch office are disqualified from being recognized as candidates. According to your letter, these members were not present at the nominations meeting and did not submit acceptances of nomination before the meeting as required by the Branch By-laws.

Please be advised that it would be inappropriate for me to rule specifically on the validity of these nominations. However, I can advise you as to the applicable provisions of the *NALC Constitution* and election regulations, as well as the relevant Department of Labor regulation. The By-laws must be applied in a manner which is consistent with these principles.

Article 4, Section 4 of the *NALC Constitution* for the *Government of Subordinate and Federal Branches (CGSFB)* provides:

Branches *at their option* may require all candidates for office or delegate to be present

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at the meeting when nominated, or signify in writing their willingness to serve if elected. (Emphasis added.)

The Branch “option” referred to has been interpreted as the option of requiring nominees to formally accept nomination. Accordingly, the Branch may enforce the requirement of written acceptance as to nominees who are present at the meeting.

The issue of nominees who are not at the meeting is addressed by Section 6.31(d) of the *RGBEP*, which was adopted by the Executive Council to implement Article 4, Section 4 of the *CGSFB*. It provides: “If a nominee is not present at the [nominating] meeting, written acceptance is permissible.” This regulation also ensures that the nomination procedure is consistent with the requirements of federal law. The Department of Labor’s (DOL) regulation covering union elections state the following:

A requirement that members must be present at the nomination meeting in order to be nominated for office might be considered unreasonable in certain circumstances; for example, in the absence of a provision for an alternative method under which a member who is unavoidably absent from the nomination meeting may be nominated, such a restriction might be regarded as inconsistent with the requirement in section 401(e) [of the Labor-Management Reporting and Disclosure Act] that there be a reasonable opportunity to nominate and to be a candidate. 29 C.F.R. Section 452.59.

Accordingly, Branches may require an absent nominee to submit an acceptance in writing.

Unfortunately, neither the DOL regulation nor the *RGBEP* sets a time frame for acceptance of nominations after the nominations meeting is closed. I cannot rule out the possibility that in a particular case the refusal of a Branch to allow a candidate to accept nomination after the meeting could be found unreasonable based on the reasons the nominee was unable to attend the meeting.

The disallowance of a nomination may be the subject of a post-election appeal under Section 21 of the *RGBEP*. This letter should not be read to express any view as to the merits of any potential appeals.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

VERONICA FLORES OSBORNE—PORT ST. LUCIE, FL, BRANCH 1690
OCTOBER 26, 2023 (9214)

This is in reply to your letter, dated October 24, 2023, concerning the eligibility of a member to serve as Branch 1690’s Health Benefits/MBA Representative. According to your letter, a member of the Branch who you nominated has been advised that he is ineligible for that position because he is not enrolled in the NALC Health Benefit Plan.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter, particularly since I only have your side of the story before me. I can provide the following general guidance.

Article 4, Section 3 of the *Constitution of the NALC Health Benefit Plan* requires that individuals must be participating members of the Plan in order to hold office in the Plan at the Branch level. Prior rulings have also held that the constitutional eligibility requirement continues to apply when the office of Branch Health Benefits Representative is consolidated with another office, such as MBA Representative. Thus, whoever is elected to the consolidated position must be a member of the Health Benefit Plan to serve in that position.

At the same time, prior rulings have recognized a distinction between eligibility to hold the office of Health Benefits Representative and eligibility to be a candidate for that position. Article 4, Section 3 requires that an individual be a participating member in order to hold office in the Plan. It does not require that the individual be a member of the Plan to run for office. Thus, if a candidate who is not presently a participating member takes the necessary steps to join the Plan, they will be eligible to serve as the Branch’s HBR if elected. However, if the member refuses to join the Plan, then they would not be eligible to serve.

The disqualification of a nominee for a Branch office may be the subject of a post-election appeal under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. This letter should not be read to express any view as to the merits of any appeal involving the Branch 1690 election of officers.

I hope that this letter addresses your concerns, at least in part.

RAFAEL CARRANZA—LAREDO, TX BRANCH 354
OCTOBER 27, 2023 (9217)

This is in reply to your letter, dated October 25, 2023, requesting dispensation permitting Branch 354 to postpone the counting of ballots in its ongoing mail ballot election from November 14 to its meeting on December 12. According to your letter, the Branch postponed its nominations meeting to October 24, which is less than four weeks before the November 14 meeting. Article 5, Section 5(b) of the *Constitution for the Government of Subordinate and Federal Branches* and Section 6.1 of the *NALC Regulations Governing Branch Election Procedures* both provide that nominations should occur at least four weeks before the election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 354 dispensation to reschedule the counting of election ballots to its meeting on December 12. The Branch must

provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 election. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

CHRISTOPHER KONOLD—BRIGHTON, CO, BRANCH 642
OCTOBER 20, 2023 (9219)

This is in reply to your letter to NALC Headquarters, received October 23, 2023 in which you allege that you were improperly prevented from being nominated for Branch President in the recent Branch 642 election.

While I appreciate your concerns, I must advise that it would be inappropriate for me to comment on your specific claims, particularly since I only have your side of the story before me. There is no basis for any intervention in this election by the National Union at this time.

All objections to the conduct of an election must be brought in the form of a post-election complaint to the Branch Election Committee under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. The Regulations are available on the NALC website at: <https://www.nalc.org/union-administration/secretary-treasurer/body/ElectionBook.pdf>.

It is the responsibility of the Election Committee to rule on the issues raised by the appeal. The Committee’s decision may be appealed to the Branch Executive Board. Thereafter, the matter will be subject to appeal to the Branch and to the National Committee on Appeals.

This letter should not be read as expressing any view as to the merits of any issues which may be raised in any appeal.

I trust that the foregoing addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

PAUL ROZNOWSKI—MADISON HEIGHTS, MI, BRANCH 3126
NOVEMBER 13, 2023 (9222)

This is in reply to your letter, dated November 6, 2023, concerning the death of Branch 3126 member Alex Viviano on October 28. Prior to his death, Brother Viviano had accepted nomination for the position of Trustee in the Branch’s current election of officers and delegates.

At the outset, I am sorry to learn of Brother Viviano’s passing. Please convey my condolences to his family and the members of Branch 3126.

According to your letter, Brother Viviano was one of six nominees for the Branch’s five Trustee positions. Nominations were conducted on

October 5 and his name was included on the ballot which was mailed to the members on October 30. Voting is now ongoing.

Given the circumstances, it would be inappropriate at this time to declare the remaining five candidates as having been elected by acclamation. If Brother Viviano receives enough votes to have been elected, then one of the Trustee positions will be vacant following the installation. The position may then be filled by appointment by the Branch President in accordance with Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* and the applicable provisions of the Branch 3126 By-laws.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

CORY CARTER—FARGO, ND, BRANCH 205

NOVEMBER 13, 2023 (9223)

Your email to Executive Vice President Paul Barner, sent November 6, 2023, has been referred to me for reply. Your email requests dispensation permitting Branch 205 to send out new ballots for its mail ballot election of delegates to the National Convention in order to correct a misprint on the original ballots. This will require that the ballots be counted at the Branch's December meeting instead of November as required by the Branch By-laws.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please understand that this dispensation extends only to Branch 205's current election of delegates. In future elections the Branch must comply with the time frames and notice requirements provided by the Branch By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

EDGAR TINOCO & JESSICA PITTS—ANNAPOLIS, MD, BRANCH 651

NOVEMBER 13, 2023 (9224)

This is in reply to your email, sent November 7, 2023, requesting dispensation permitting Branch 651 to reschedule its nominations and election of national and state convention delegates. According to your email the Branch failed to conduct nominations in November as required by its By-laws.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 651 dispensation to reschedule its nominations and election of delegates, as requested. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ATHENA FRANKLIN—AUGUSTA, GA, BRANCH 263

NOVEMBER 14, 2023 (9231)

This is in reply to your email, sent November 10, 2023, requesting dispensation permitting Branch 263 to redo its nominations and election of officers. According to your letter, the Branch inadvertently allowed a member to be nominated for two positions. As a result, his name appears twice on the ballot that was mailed to the members.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 263 may mail new ballots based on the results of nominations conducted at its meeting on November 14. The election may take place in December.

Please understand that this dispensation applies only to the 2023 nominations and election. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

RACHAEL TRAVIS—OWENSBORO, KY, BRANCH 410

NOVEMBER 16, 2023 (9227)

This is in reply to your letter, dated November 7, 2023, requesting dispensation permitting Branch 410 to proceed with a special election of officers. According to your letter, the Branch failed to provide appropriate notice of nominations by mail to the members, both for an earlier special election to fill the office of Branch President and for its subsequent regular election of officers.

In light of the facts set forth in your letter, I hereby grant the requested dispensation. As outlined in your letter, the Branch may proceed with nominations at a special meeting on November 17 and may mail ballots on November 28 which will be due by December 22.

By copy of this letter, I am directing National Business Agent David Mudd to monitor this situation and to provide the Branch with whatever assistance it may need to ensure that the current election and future elections are conducted in accordance with the *NALC Constitution* and the *NALC Regulations Governing*

Branch Election Procedures.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

CRAIG SCHADEWALD—NEW BERN, NC, BRANCH 780

NOVEMBER 16, 2023 (9228)

This is in reply to your letter, dated October 31, 2023, requesting dispensation permitting Branch 780 to reschedule its nominations and election of national convention delegates and one trustee. According to your letter, the Branch failed to provide timely notice of nominations to the members.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 780 dispensation to reschedule its nominations and election of delegates and one trustee position, in accordance with the time frames outlined in your letter. The Branch must provide appropriate and timely notice of nominations and election to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of delegates and one trustee. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ASHLEY EMMICK—ENDICOTT, NY, BRANCH 333

NOVEMBER 16, 2023 (9229)

This is in reply to your email, sent November 10, 2023, requesting dispensation permitting Branch 333 to reschedule its nominations and election of its three Trustees and Sergeant-at-Arms. According to your letter, the Branch failed to take nominations for these positions at its nominations meeting in November.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 333 dispensation to reschedule its nominations of Trustees and Sergeant-at-Arms to its January 10 meeting. An election, if necessary, may be conducted at the February meeting. The Branch must provide appropriate and timely notice of nominations and election to all active and retired members as expeditiously as possible.

Please understand that this dispensation applies only to the 2023 nomination and election of Trustees and the Sergeant-at-Arms. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election*

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Finally, this dispensation does not extend the terms of the current Trustees and Sergeant-at-Arms, as suggested in your letter. The vacancies in those positions that will occur between January 1 and the election may be filled on a temporary basis by appointment by the President of the Branch.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**EUGENE PRICE, ADELPHI, MD,
BRANCH 142
NOVEMBER 16, 2023 (9230)**

This is in reply to your email, sent November 9, 2023, requesting dispensation permitting the Branch 142 Election Committee to extend the deadline for return of ballots. This request is based on an apparent mailing error which has resulted in some ballots being returned to the members who sent them.

Your request appears reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Election Committee may extend the deadline for return of ballots by two weeks. The Branch should notify the members of this change as expeditiously as possible.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**SHAWN BOYD—KINGWOOD, TX,
REGION 10
NOVEMBER 16, 2023 (9232)**

This is in reply to your email, sent November 14, 2023, requesting dispensation authorizing your office to conduct a special election of officers in Branch 4326. According to your email, the Branch has essentially ceased to function. It has no stewards and does not actively represent the members. The President of the Branch is acting as a 204b and has gotten out of the union. The Branch Treasurer is also getting out.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. If the members choose to do so, Branch 4326 may conduct a special election for all vacant officer positions under the supervision of your office. Please make the necessary arrangements as expeditiously as possible.

In addition, your office is authorized to facilitate a merger of Branch 4326 with Branch 3964 if there are no nominees for office in the special election. Any merger vote must be conducted in accordance with the procedures provided by Article 2, Section 3 of the *NALC Constitution*.

Thank you for bringing this matter to my attention.

**JOHN McLAUGHLIN—ST. LOUIS, MO,
BRANCH 343
NOVEMBER 20, 2023 (9233)**

This is in reply to your letter, dated November 14, 2023, concerning two letters received by Branch Recording Secretary Tina Hunt from Branch 343 member Evan Garcia, who is a candidate for office in the current Branch election.

I agree that it is difficult to discern the intent of the letters. Accordingly, I can only suggest that you discuss this matter with Brother Garcia directly. You may advise him that his apparent objection to the timing of the appointment of the Election Committee would not normally be the basis for charges of misconduct under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*. That objection could be raised in a post-election appeal to the committee under Section 21 of the *NALC Regulations Governing Branch Election Procedures*.

If Brother Garcia does intend to pursue Article 10 charges then, as you note in your letter, any officers charged would not be eligible to appoint an investigating committee. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee. As a last resort, the National President may authorize National Business Agents to appoint investigating committees where the Branch has been unable to do so.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**JENN PARADISO—WARRENTON, GA,
BRANCH 263
NOVEMBER 20, 2023 (9234)**

This is reply to your letter, dated November 6, 2023, requesting a definition of the phrase “member in good standing.” I agree that the phrase “good standing” is frequently a source of confusion. The following discussion is intended to clarify the terms used in the *Constitution* and to provide guidance as to the consequences that may follow when a member is no longer in good standing.

Article 2, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* defines “good standing” as “paying all fines, assessments, and dues.” This phrase encompasses Branch dues, fines, and assessments. However, as previous rulings have recognized, a member would not lose the constitutional rights associated with membership in the Branch based on the failure to have made any such payments, unless

the individual’s membership status has been forfeited in accordance with the provisions of Article 7, Section 4 of the *CGSFB*, or suspended following a vote on charges filed under Article 10 of the *CGSFB*.

Article 7, Section 4 of the *CGSFB* states that “[a]ny member failing to pay . . . monthly dues within thirty (30) days after the same shall become due” must forfeit his/her membership. Thus, there is no forfeiture of membership until at least thirty days after the due date for the member’s dues. Branches have considerable discretion to establish a due date for payment of dues and to adopt procedures for collecting dues.

Article 7, Section 4 also permits Branches to extend the 30-day grace period for not more than an additional 60 days “for good and sufficient reasons, under reasonable rules uniformly applied.”

An additional exception to the forfeiture rule is provided by Article 7, Section 3(b) of the *CGSFB*. It states that a Branch may exempt any member from dues payments under reasonable rules uniformly applied for a stated period of time. Thus, for example, a Branch could adopt a policy providing that members will be exempt from dues payments while in non-pay status (e.g., workers compensation or leave without pay). Disputes over whether a Branch has previously adopted such a dues exemption must be resolved at the Branch level.

Prior to the time of forfeiture, the member retains full membership rights, including the right to attend and vote at meetings, vote in Branch elections, and serve as a Branch officer. But when the point of forfeiture is reached, the member loses all rights of Branch, State Association and National membership.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**ANDREW BAUTISTA—MANGILAO, GU,
BRANCH 4093
NOVEMBER 21, 2023 (9238)**

This is in reply to your email, sent November 20, 2023, seeking guidance as to the right of members who are on 204b details to attend meetings and vote in the current Branch 4093 election.

Article 2, Section 1(c) of the *NALC Constitution* provides that members who “have been temporarily or permanently promoted to supervisory status . . . shall have no voice or vote in any of the affairs of [the] Branch,” except for the right to participate and vote in any part of the meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if they are a member thereof, or the raising of Branch dues. Previous rulings interpreting this provision have established that a 204b may not otherwise participate in Branch meetings on days in which they have served in a supervisory capacity. However, when the member

returns to a bargaining unit assignment, they immediately regain the right to attend and participate fully in meetings of the Branch and to vote in Branch elections.

Accordingly, the answer to the question posed in your email depends on whether the member works continuously or only intermittently in a supervisory capacity during the time period specified in the Form 1723. Assuming the member will perform no bargaining unit work and will be in supervisory status continuously for the entire period stated in the Form 1723, the member would not be entitled to vote or otherwise participate as a regular member in Branch meetings during that period, even if a meeting were to take place on one of their days off. However, if during the period stated in the Form 1723 the member returns to a bargaining unit assignment, they immediately regain the right to participate in a Branch meeting that takes place on that same day. Thus, members who serve intermittently as temporary supervisors may attend Branch meetings and vote in Branch elections on days that they are not serving in a supervisory capacity.

Finally, the reference in your email to a two-year period of ineligibility appears to reflect a misunderstanding of the applicable constitutional provisions. Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits members who have either accepted or applied for supervisory positions from holding or being candidates for branch office for a period of two years following termination of supervisory status. Article 5, Section 2 only applies to the right to run for or hold branch office; it does not encompass any other membership rights such as the right to vote in a branch election or attend meetings.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

JENN PARADISO—WARRENTON, GA, BRANCH 263

NOVEMBER 22, 2023 (9235)

This is in reply to your letter, dated November 6, 2023, concerning an apparent dispute between Branch 263 and the Branch Vice President/Treasurer. According to your letter, Sister Bausley has refused to comply with requests by Branch President Franklin to turn over financial records needed for an ongoing investigation. Your letter requests advice as to steps the Branch may take to recover the records.

At the outset, I cannot make any ruling on this matter as I only have your side of the story before me. I can provide the following general guidance.

Article 6, Section 1 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall “have general supervisory powers over the Branch,” which

includes the authority to “see that officers perform their duties [and] enforce the *Constitution*, By-Laws, Rules and Regulations of the Branch.” As previous rulings have consistently recognized, this provision confers upon the Branch President supervisory authority over subordinate officers. Accordingly, President Franklin does have the authority to order the Vice President/Treasurer to turn over any Branch records or property in her possession and may temporarily reassign the duties of the Vice President/Treasurer to another officer or member pending the disposition of any investigation.

I would hope that upon receipt of this letter Sister Bausley will cooperate and that any further action would be unnecessary. In the past, we have recommended a number of steps that the Branch can consider when current or former officers refuse to return Branch records. For example, charges may be filed against the member in question under Article 10 of the *CGSFB*. Such charges could lead to the imposition of penalties. The enforcement of any penalty could be conditioned on the return of the records or other property at issue.

If you require additional assistance, I suggest that you contact your National Business Agent Eddie Davidson.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

JONI EVANS—MYRTLE BEACH, SC, BRANCH 4645

NOVEMBER 22, 2023 (9239)

This is in reply to your letter, dated November 10, 2023, requesting dispensation permitting Branch 4645 to reschedule its nominations and election of officers. According to your letter, the Branch did not have a quorum at its regular nominations meeting, so that no one was nominated.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 4645 dispensation to reschedule its nominations of officers to its regular meeting in January. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

Please understand that this dispensation applies only to the 2023 nomination and election of officers. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

DONNA RZASA—WEST HAVEN, CT, BRANCH 19

NOVEMBER 22, 2023 (9240)

This is in reply to your letter, dated November 17, 2023, requesting guidance as to whether William “Skip” Anderson was properly nominated for a Trustee position in the current election of officers in Branch 19. According to your letter, Brother Anderson was not present at the nominations meeting. Two members separately nominated him for President and for Trustee. He was then contacted by telephone and declined the nomination for President and accepted the nomination for Trustee. The validity of the Trustee nomination has now been challenged by another nominee.

At the outset, it would be entirely inappropriate for me to resolve this issue at this stage of the process, particularly since I have no firsthand knowledge of the facts and only have your letter before me. I can provide the following general guidance.

First, Section 6.5 of the *NALC Regulations Governing Branch Election Procedures (RGBEP)* states that “No person shall accept nomination for more than one office.” This language does not bar the nomination of a member for more than one office, so long as the member accepts only one nomination and declines any others. In such circumstances a member nominated for more than one office may be listed on the ballot as a candidate only for the one office for which nomination was accepted.

The procedure for accepting or declining nomination is essentially left to the Branch. Article 4, Section 4 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides:

Branches **at their option** may require all candidates for office or delegate to be present at the meeting when nominated, or signify in writing their willingness to serve if elected. (Emphasis added.)

The Branch “option” referred to has been interpreted as the option of requiring nominees to formally accept nomination.

The issue of nominees who are not at the meeting is addressed by Section 6.31(d) of the *RGBEP*, which was adopted by the Executive Council to implement Article 4, Section 4 of the *CGSFB*. It provides: “If a nominee is not present at the [nominating] meeting, written acceptance is permissible.” Accordingly, Branches may require an absent nominee to submit an acceptance in writing but are not required to do so.

The allowance or disallowance of a nomination may be the subject of a post-election appeal under Section 21 of the *RGBEP*. This letter should not be read to express any view as to the merits of any potential appeals.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

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MICHAEL “TODD” McNEELY—HICKORY, NC, BRANCH 1250 NOVEMBER 29, 2023 (9241)

This is in reply to your email, sent November 22, 2023, requesting dispensation permitting Branch 1250 to conduct its election of officers and delegates at ballot stations, rather than solely at the Hickory, North Carolina office, as provided by the By-laws. According to your letter, many members cannot travel to Hickory in time to vote because they are required to work late. Your letter indicates that the Branch may amend its By-laws to provide for additional ballot stations. However, it does not have time to enact the required amendments before the election.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that an appropriate and timely notice of the procedures to be followed in conducting the election is sent by mail to all active and retired members of the Branch.

This dispensation applies only to the current Branch 1250 election. Any By-law amendments necessary to implement this change on a permanent basis should be enacted as expeditiously as possible.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

PAUL ROZNOWSKI—MADISON HEIGHTS, MI, BRANCH 3126 NOVEMBER 29, 2023 (9242)

This is in reply to your letter, dated November 24, 2023, concerning charges against the entire Branch 3126 Executive Board submitted by Sister Shelly Bostic.

I agree that it is difficult to discern the intent of the charges. Objections to the eligibility of candidates for office or delegate would not normally be the basis for charges of misconduct under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Such objections could be raised in a post-election appeal to the Election Committee under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. Please note that I am providing a copy of this letter to Sister Bostic.

The following discussion addresses your specific numbered questions:

There is no constitutional argument requiring that charges be submitted by certified mail. However, Article 10, Section 2 of the *CGSFB* does explicitly state that “charges . . . must be signed by a member of the Branch.” This is a constitutional requirement that should be enforced. Past rulings have recommended that when an unsigned charge is filed with the Branch, the charging party should be informed of their apparent oversight and given an oppor-

tunity to sign the charge before it is read and served.

According to your letter, the charges state that they have been brought under Article 19 of the Branch By-laws. However, the Branch 3126 By-laws do not contain an Article 19. If that is the case, it would be appropriate to give the charging party an opportunity to correct the charges and resubmit them.

As noted above, objections to the conduct of a Branch election should normally be pursued as a post-election appeal rather than charges of misconduct.

If Sister Bostic does intend to pursue Article 10 charges, then, as you note in your letter, any officers charged would not be eligible to appoint an investigating committee. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee. As a last resort, the National President may authorize National Business Agents to appoint investigating committees where the Branch has been unable to do so.

It would be appropriate to notify Sister Bostic that you deferred taking action on her charges pending receipt of my response. Again, I am providing a copy of this letter to her.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

KEVIN SOMMERS—STATE COLLEGE, PA, BRANCH 1495 NOVEMBER 29, 2023 (9243)

This is in reply to your letter, dated November 25, 2023, requesting dispensation permitting Branch 1495 to reschedule its nominations and election of delegates to the 2024 National Convention. According to your letter, you recently discovered that the Branch has not been properly conducting its delegate elections.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 1495 dispensation to reschedule its nominations of delegates to its regular meeting in February. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

Please understand that this dispensation applies only to the 2023 nominations and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ATHENA FRANKLIN—AUGUSTA, GA, BRANCH 263 DECEMBER 4, 2023 (9245)

This is in reply to your email, sent November 28, 2023, concerning charges against you that have been submitted by Branch 263 member Pamela Moore under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

At the outset, it would be inappropriate for me to rule on the validity of the charges at this point in the process. I can advise that objections to the conduct of a Branch election would not normally be the basis for charges of misconduct under Article 10. Such objections should be raised in a post-election appeal under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. Please note that I am providing a copy of this letter to Sister Moore.

If Sister Moore does intend to pursue Article 10 charges, then a committee will have to be appointed to investigate the charges and report to the Branch as provided by Article 10, Section 3 of the *CGSFB*. By copy of this letter, I am directing National Business Agent Eddie Davidson to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Davidson, or his designee, to appoint the committee, if he believes that it is in the best interest of the Branch for him to do so.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention. This letter should not be read to express any view as to the merits of the pending charges or any related issue.

DAVID WATSON—CHESAPEAKE, VA, BRANCH 6066 DECEMBER 11, 2023 (9250)

This is in reply to your email, sent December 8, 2023, requesting dispensation permitting Branch 6066 to reschedule its nominations and election of delegates to the 2024 National Convention. According to your email, the Branch did not send to the members a notice of nominations and election of delegates.

In light of the facts set forth in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 6066 dispensation to reschedule its nominations of delegates to its regular meeting in February. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

Please understand that this dispensation applies only to the 2024 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

RONNIE BUIE—MACON, GA, BRANCH 270

DECEMBER 13, 2023 (9253)

This is in reply to your letter, received by my office December 8, 2023, requesting dispensation permitting Branch 270 to conduct a special election of stewards on December 12. According to your letter the stewards, who are elected by their respective zones, were inadvertently left off the ballot at the Branch's regular election meeting in November.

At the outset, this request for dispensation would normally not be necessary. Article 4, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that stewards "may be appointed or elected, within the respective stations," as "may be determined" by the Branch. Thus, so far as the *Constitution* is concerned, it is up to the Branch to decide when to conduct an election of stewards who are elected by individual stations or zones.

However, a request for dispensation would be appropriate if the November election was required by the Branch By-laws. Assuming that is the case, I hereby grant the requested dispensation pursuant to my authority under Article 9, Section 1 of the *NALC Constitution*. The Branch may conduct a special election of stewards on December 12 as outlined in your letter. Please provide appropriate notice to the members as expeditiously as possible.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

LYDIA AMADOR—PASADENA, TX, BRANCH 3867

DECEMBER 13, 2023 (9254)

Your email to Executive Vice President Paul Barner, sent December 9, 2023, has been referred to me for reply insofar as you have raised an interpretive issue under the *NALC Constitution*. Specifically, you ask whether the President of Branch 3867 remains eligible to hold office following her transfer to a custodial position in another installation in another state.

The answer to your question is no. Article 2, Section 2 of the *NALC Constitution* requires that active members of the NALC must be members of the subordinate branch having jurisdiction over the installation in which they work. Therefore, when an active member of a

Branch transfers to an installation represented by a different Branch, the NALC Secretary-Treasurer will automatically transfer that individual's membership to the Branch having jurisdiction over the receiving installation. (See, Article 2, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.)

Accordingly, the facts set forth in your letter would indicate that Sister Eaton's membership in Branch 3867 would have been terminated as of the effective date of her transfer. Since Branch officers must be members of the Branch in which they hold office, it would appear that Sister Eaton is no longer eligible to be President of the Branch.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ATHENA FRANKLIN—AUGUSTA, GA, BRANCH 263

DECEMBER 14, 2023 (9255)

This is in reply to letter, dated December 13, 2023, requesting that I rule on an ongoing dispute in Branch 263 over whether you have resigned as President. According to your letter, Vice President Bausley claims that you turned the chair over to her at a Branch meeting. You deny that you ever resigned.

At the outset, please be advised that it would be inappropriate for me to address this specific situation based on the limited information contained in your letter. I have no first-hand knowledge of the facts and only have your side of the story before me. I can provide the following general advice.

There are no provisions in the *Constitution* specifying procedures for the resignation of Branch officers. Similarly, there are no constitutional provisions or other union regulations which define precisely when a resignation from Branch office becomes official. Past presidential rulings have recognized that once a Branch officer's resignation from office has become effective, they may not reclaim that office. At the same time, nothing in the *Constitution* prohibits an officer from withdrawing a resignation prior to its effective date.

In some cases, there is a factual dispute as to whether the officer did submit an effective resignation, or whether they properly withdrew the resignation before it became effective. The rulings have consistently held that such disputes must be resolved, in the first instance, at the Branch level. The issue may be voted on by the members. The Branch's decision would then be subject to appeal to the National Committee of Appeals in accordance with the procedures set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

JOHN McLAUGHLIN—ST. LOUIS, MO BRANCH 343

DECEMBER 21, 2023 (9257)

This is in reply to your letter, dated December 13, 2023 regarding the charges that have recently been filed against you, as President of Branch 343, along with the Executive Vice President, Vice President, and Recording Secretary. You request guidance in determining which Branch officer should assume responsibility for appointing the committee to investigate the charges.

Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the committee to investigate the charge is to be appointed by "[t]he president, or if the president be the person against whom charges are made, the vice president." If both the President and the Vice President are charged, then the next highest ranking officer who is not named in the charge should normally appoint the committee.

As suggested in your letter, in order to determine the next highest ranking uncharged officer, it would be reasonable to rely on the provision of the Branch By-laws which establishes a pecking order of officers who are to preside over Branch meetings in the absence of other officers. Accordingly, given the facts set forth in your letter, it would be appropriate for the Sergeant-at-Arms to appoint the committee.

In addition, by copy of this letter, I am directing National Business Agent David Teegarden to provide any assistance the Branch may need to appoint the committee.

I hope that this letter addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

WILLIAM RALEIGH—WARWICK, RI, BRANCH 3166

DECEMBER 21, 2023 (9258)

This is in reply to your email, sent December 14, 2023, requesting presidential rulings on two questions.

The first question is whether a member of Branch 3166 who serves as an officer of the Rhode Island State Association was eligible to be elected as one of the Branch's two delegates to the State Association Convention.

The answer to this question is yes. There is no requirement that a state officer be an elected delegate to the state convention from their branch. Article 6, Section 2 of the *Constitution for the Government of State Associations* provides that "[a]ny regular branch member in good standing shall be eligible for any office of this Association...." At the same time, Article 5, Section 2 of the *NALC Constitution* states that "All qualified regular members shall be eligible to be a delegate or alternate delegate to the National Association Convention or State Con-

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vention.” The only exception is for members who have held, accepted or applied for a supervisory position in the Postal Service. There is no language which would exclude a member of the Branch from being elected as a delegate because of their separate status as an officer of the State Association.

Your second question is may you appoint a member to serve as the Branch’s Letter Carrier Political Fund Coordinator pending enactment of a By-law amendment which would require that the position be filled by election.

The answer to your question is that the appointment would not only be proper, it is required. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, as amended by the 2022 NALC Convention, provides that “The President shall appoint one member or officer of the branch as a Letter Carrier Political Fund (LCPF) coordinator to educate the members of the branch so as to promote participation in the political fund established in Article 1, Section 5 of the *NALC Constitution*.” This language requires that the LCPF coordinator be appointed by the Branch President, not elected. Accordingly, the By-law amendment described in your letter would be in conflict with the *Constitution* and cannot be implemented.

I trust that the foregoing addresses your concerns. Thank you for bringing this matter to my attention.

SANTE ZEPPIERI—MELBOURNE, FL, BRANCH 2689

DECEMBER 21, 2023 (9259)

This is in reply to your letter, dated December 15, 2023, concerning the outcome of a steward election in Branch 2689. According to your letter, you have discovered that the CCA member who won the election was ineligible for nomination because he has been working as a postal supervisor on Sundays. You now ask for guidance as to how to fill the position.

Please be advised that there are no Constitutional rules or NALC regulations which address this issue in the context of an election of a steward in a particular office. As previous rulings have recognized, the *NALC Regulations Governing Branch Election Procedures (RGBEP)* are not binding on the election of stewards who are elected by station and are not members of the Branch Executive Board. See *RGBEP*, Section 2.1. Rather, as provided in Article 4, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, stewards may be elected in individual stations “as the Branch may determine.” Accordingly, the Branch is free to resolve the issue described in your letter in any manner that is consistent with its By-laws.

Your letter does not indicate whether the Branch By-laws provide a solution. If (as I assume) the By-laws are silent, then as Branch President you may exercise your authority as

chief steward under Article 6, Section 1 of the *CGSFB* to resolve the issue. For example, you may decide that there should be a special steward election. Alternatively, you may exercise your power to fill the position by appointment. Needless to say, the decision should be based on the best interest of the members.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ATHENA FRANKLIN—AUGUSTA, GA, BRANCH 263

DECEMBER 21, 2023 (9260)

This is in reply to your letter, dated December 7, 2023, advising that, in accordance with my previous grant of dispensation, Branch 263 attempted to conduct nominations and election of officers in December but was unable to do so. By copy of this letter, I am also responding to a letter from Sister Kameka Bausley concerning this matter.

The Branch must conduct nominations and an election as expeditiously as possible. Given the facts presented, I have concluded that the election should be conducted under the supervision of the National Business Agent’s office.

Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 263 dispensation to conduct a special election of officers at a time to be determined by National Business Agent Eddie Davidson or his designee. By copy of this letter, I am authorizing Brother Davidson, or his designee, to take whatever actions may be necessary to ensure that that nominations and an election take place as expeditiously as possible. Brother Davidson should continue to monitor this situation and advise me if any additional action is required.

Please feel free to contact me if you require any additional assistance. Thank you for bringing this matter to my attention.

PAUL BOUNASSI—GARFIELD, NJ, BRANCH 425

DECEMBER 21, 2023 (9261)

Your recent letter to Secretary-Treasurer Nicole Rhine concerning the membership status of Dennis Correal has been referred to me for reply insofar as your request for dispensation raises an interpretive issue under the *NALC Constitution*. Specifically, you ask whether Brother Correal may remain a member of Branch 425 following his reassignment to another installation within the jurisdiction of Branch 38.

While I appreciate all the factors cited in your letter, including Brother Correal’s many years of dedicated service to the members of Branch 425, I am declining your requested dispensation. Article 2, Section 2 of the *NALC Constitution* requires that active members of the NALC must be members of the subordinate

Branch having jurisdiction over the installation in which they work. Therefore, when an active member of a Branch transfers to an installation represented by a different Branch, the NALC Secretary-Treasurer will automatically transfer that individual’s membership to the Branch having jurisdiction over the receiving installation. (See, Article 2, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.)

There are no special circumstances presented here. To the contrary, it is my understanding that Brother Correal’s transfer was voluntary. He will now be represented by Branch 38. There is no justification for allowing his membership to remain in Branch 425.

Of course, Branch 425 has every right to allow Brother Correal to continue to attend Branch meetings and functions and otherwise maintain his relationship with the Branch. But his membership must remain in Branch 38.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

STEPHEN CALLAHAN—MILESBERG, PA, BRANCH 1495

DECEMBER 21, 2023 (9262)

This is in reply to your letter, dated December 15, 2023, in which you object to my grant of dispensation permitting Branch 1495 to nominate and elect delegates to the National Convention in January and February. According to your letter, the Branch should not be permitted to conduct this election because the Branch had previously adopted a motion to not send any delegates to the Convention.

Your letter indicates that you may have a misunderstanding of the delegate election process. Articles 4 and 5 of the *NALC Constitution for the Government of Subordinate and Federal Branches* and the *NALC Regulations Governing Branch Election Procedures* require that convention delegates be nominated and elected. Previous presidential rulings have recognized that a Branch must allow its members to nominate and elect delegates to fill all the delegate positions to which the Branch is entitled under Article 4, Section 1 of the *NALC Constitution*. For example, if the Branch is entitled to send 15 delegates to the National Convention, then 15 delegates should be elected.

The Branch does have discretion to decide whether elected delegates will receive Branch funds for attending the Convention. However, elected delegates who do not receive funding have the right to attend the Convention at their own expense.

I express no view as to the meaning or application of the motion referenced in your letter. However, Branch 1495 should go forward with the nomination and election of delegates.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

**JAMES BROWN—DAYTON, OH,
BRANCH 182**

JANUARY 3, 2024 (9264)

This is in reply to your letter, dated December 20, 2023, in which you ask several questions concerning the procedure for presenting an election appeal to the Branch in accordance with Section 21.3 of the *NALC Regulations Governing Branch Election Procedures (RGBEP)*.

At the outset, please note that Section 21.3 does not set forth any specific procedural requirements regarding the Branch meeting at which the appeal is heard. Accordingly, the matter is left largely to the discretion of the Branch. For example, in response to your first question, it is up to the Branch to decide whether to take up the appeal before any other Branch business or as part of its regular agenda. The overriding criterion that should guide the Branch is fairness.

In response to your other specific questions, I can offer the following guidance:

The NALC election regulations do not require the Branch to mail copies of an election appeal to the members or distribute copies of the appeal to the members in attendance at the meeting at which the appeal is heard. The Branch can decide to make such a distribution, but it is not required. However, any members who wish to read this material should be given an opportunity to do so. At a minimum, the Branch should have a copy of the entire package of appeal material available at the Branch office during reasonable hours for those who might wish to read it.

In addition, prior rulings have held that it is not necessary to read aloud all the material in the appeal record when that material is so voluminous that reading it in its entirety would consume so much time as to interfere with Branch business. Rather, it would be sufficient to read pertinent excerpts and to provide a reasonable summary of the material so as to inform the Branch of the substance of the appeal.

As to your third question, the rulings have recognized that when the appeal is considered, all interested parties must be given a reasonable opportunity to present their arguments to the members, so that the members may make an informed decision.

Finally, with respect to the installation of newly elected officers, the relevant constitutional provision, Article 5, Section 6 of the *Constitution for the Government of Subordinate and Federal Branches*, requires that an installation of Branch officers be conducted “at the first or second meeting of the Branch following the election.” However, this language refers to the regular election. In the situation presented, the winners of the re-run election should take office as expeditiously as possible. Accordingly, they may be sworn in at the meeting at which the results of the re-run election are announced, as suggested in your letter.

I hope that this letter addresses your con-

cerns. I caution that my comments should not be read to express any view as to the merits of the appeal in question.

**ALLEN WALKER—FLETCHER, NC,
BRANCH 248**

JANUARY 3, 2023 (9266)

Your email to Executive Vice President Paul Barner, sent December 21, 2023, has been referred to me for reply insofar as your email raises interpretive issues under the *NALC Constitution*. Specifically, you are challenging the apparent decision of the President of Branch 248 to relieve you of your duties as a Branch steward.

At the outset, it would be inappropriate for me to address the specific actions taken by Brother Wells based solely on your email. The dispute you describe must be resolved, in the first instance, at the Branch level. I can provide the following general guidance regarding the supervision or suspension of stewards.

Under the *Constitution*, the President of a Branch is empowered to enforce the obligations of all other officers and stewards. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall have “general supervisory powers over the Branch” and the authority to “see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch.” In addition, under Article 6, Section 1 of the *CGSFB*, the Branch President is designated Chief Shop Steward.

The President, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties, regardless of whether the stewards are appointed or elected.

Consistent with this authority, Article 6, Section 1 of the *CGSFB* expressly provides that a Branch President has “the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy.”

The question whether the President of the Branch properly exercised their constitutional authority in removing or suspending a steward would depend on the particular facts presented and the exact nature of the President’s actions. Any such decision by a Branch President is subject to direct appeal to the Branch under Article 11, Section 1 of the *CGSFB*. The appeal must be presented at the next scheduled meeting of the Branch. The members of the Branch must then vote on the appeal. Their decision may be appealed to the National Committee of Appeals in accordance with the procedures provided by Article 11, Section 2 of the *CGSFB*.

Finally, in response to your specific question, disputes over the Branch’s representational responsibilities or compliance with NALC policy may be addressed in the appeal process, again based on the particular facts presented. It would not be appropriate for me to offer comments on the applicability of those terms to your specific situation.

I hope that this letter addresses your concerns, at least in part. This letter should not be read to express any view as to the merits of any appeal.

**STEPHEN CALLAHAN—MILESBERG,
PA, BRANCH 1495**

JANUARY 3, 2024 (9267)

This is in reply to your letter, dated December 29, 2023, inquiring whether the President of Branch 1495 is entitled to attend the National Convention as a delegate by virtue of his office.

Presidential rulings have long recognized that Branches may provide in their By-laws that certain elected officers shall be delegates to National and State Conventions by virtue of their office. Where the Branch By-laws so provide, the delegates are the individuals who hold the offices specified in the By-laws at the time of the Convention.

Your letter does not indicate whether the Branch 1495 By-laws provide that the Branch President shall be a delegate. However, as National President it is my responsibility to interpret the *Constitution*. Questions involving the meaning or application of Branch By-laws must be resolved, in the first instance, at the Branch level.

I hope that this letter addresses your concerns.

**TROY SMITH—BUCKNER, MO,
BRANCH 5521**

JANUARY 3, 2024 (9268)

This is in reply to your email, sent December 21, 2023, regarding the investigation of charges filed against the President of Branch 5521. According to your email, the committee rescheduled an initial meeting because the charged party advised you that he could not attend. You now ask whether the committee may continue to hold hearings if the charged party again fails to appear.

While I appreciate your concerns, I must advise that it would be inappropriate for me to make a specific recommendation. The committee has discretion to decide how to proceed. I can offer the following general guidance.

Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches* explicitly states that the parties “are entitled to be heard by the committee [and] to present evidence.” This language vests the committee with discretion to schedule the hearing times, although in exercising this discretion it must take care to ensure that the parties are given a fair opportunity to exercise

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their rights to be heard, to present evidence, and to cross-examine witnesses.

The charged or charging party are certainly entitled to request that the hearing be scheduled at convenient times, and the committee would have discretion to honor that request. However, a party who elects not to attend a scheduled hearing would run the risk of waiving their Article 10 rights. The failure of a party to attend the hearing would not bar the committee from completing its investigation based on the evidence available to it and reporting to the Branch. If any party declines to attend the hearing or present evidence, that fact may be included in the committee's report to the Branch.

At the same time, the parties are entitled to a fair hearing. If a party believes that the investigating committee has abused its discretion so as to compromise the fairness of the hearing, that argument could be raised as an issue in any appeal to the National Committee on Appeals following the Branch's decision.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

KEITH HOOKS—WASHINGTON, DC, BRANCH 142

JANUARY 3, 2024 (9269)

This is in reply to your email, sent December 27, 2023, inquiring whether Branch 142's installation of officers should be postponed until a pending election appeal is resolved.

The answer to your question is no. An election is presumed valid pending the outcome of an appeal, or a new election, should one be found necessary. Accordingly, the installation of Branch officers should be conducted at the time prescribed by the Branch By-laws, notwithstanding the pendency of an appeal.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

PAUL ROZNOWSKI—MADISON HEIGHTS, MI, BRANCH 3126

JANUARY 3, 2024 (9273)

This is in reply to your letter, dated December 9, 2023, requesting dispensation permitting former NALC National Officer Ron Brown to serve as installing officer at Branch 3126's installation of officers and stewards on January 4, 2024.

Your request is appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Thank you for bringing this matter to my attention.

MARI THOMSON—PINE VALLEY, CA, BRANCH 70

JANUARY 9, 2024 (9276)

This is in reply to your letter, dated December 30, 2023, in which you ask me to rule on

whether Branch 70 President Guzman has improperly restricted your duties as steward to one unit in the El Cajon Main Post Office.

I appreciate your concerns and those of the Branch members who signed the petition that you sent with your letter. Nonetheless, I must advise that there is no basis for any intervention by the National Union at this time.

Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall have "general supervisory powers over the Branch" and the authority to "see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch." In addition, Article 6, Section 1 provides that the Branch President is Chief Shop Steward of the Branch. The Branch President, therefore, retains the ultimate authority to supervise all stewards in the performance of their duties, regardless of whether they are elected or appointed.

Any such decision by a Branch President is subject to appeal to the Branch under Article 11 of the *CGSFB*. The Branch's decision may be appealed to the National Committee on Appeals under Article 11, Section 2 of the *CGSFB*. I express no view as to the merits of any appeal that you may initiate.

I hope that this letter, at least in part, addresses your concerns.

SCOTT JACAWAY—OAK BROOK, IL, BRANCH 825

JANUARY 10, 2024 (9275)

Your letter to Executive Vice President Paul Barner, dated December 11, 2023, has been referred to me for reply insofar as your letter raises issues involving the interpretation of the *NALC Constitution*. Specifically, you request clarification of your authority as President of Branch 825 to supervise subordinate officers and to set policies for the use of the Branch credit card.

At the outset, I am sorry to hear of the apparent divisions in the Branch. Nonetheless, it would be inappropriate for me to address the specific disputes described in your letter, particularly since I only have your side of the story before me. I can provide the following general guidance. Please feel free to share copies of this letter with any of the other Branch officers as well as the members.

Article 6, Section 1 of the *NALC Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that the Branch President shall "have general supervisory powers over the Branch," which includes the authority to "see that officers perform their duties [and] enforce the Constitution, By-Laws, Rules and Regulations of the Branch." As previous rulings have consistently recognized, this provision confers upon the Branch President supervisory authority over subordinate officers. Accordingly, as President you would have

the authority to order compliance with policies regarding the expenditure of Branch funds or the use of a Branch credit card.

A subordinate officer who fails to comply with directions from the Branch President could be subject to charges under Article 10 of the *CGSFB*. Section 1 of Article 10 provides that "Any officer who shall fail or neglect to discharge the duties of his/her office . . . may be removed from office." However, under Article 10, such removal cannot take place until written charges have been filed and investigated by an appointed committee, and then voted on by the Branch at a meeting. The President would also have the authority to temporarily reassign the duties of the non-complying officer to another officer or member pending the disposition of any charges.

Expenditures of Branch funds are governed by Article 12, Section 3 of the of the *CGSFB*. This section expressly states that all Branch funds "shall be devoted to such uses as the Branch may

determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting." Accordingly, officers may only expend Branch funds if the expenditure has been approved by the members. Previous rulings have recognized that Article 12, Section 3 gives the Branch considerable latitude to make decisions about how to appropriate Branch funds. A Branch may authorize payments in advance through its By-laws or by enacting a budget or a specific resolution authorizing the Executive Board, or a specified officer, to make the expenditure in question.

The rulings have noted that membership authorization of officers to expend Branch funds in the future should be limited to expenses which can be anticipated in advance. Truly discretionary expenditures of a non-routine character should be approved by vote of the membership in accordance with Article 12, Section 3.

If an officer does make an expenditure which had not been previously authorized when made, the members may nonetheless vote to approve the expenditure retroactively. However, this should not be a normal practice.

The use of a Branch credit card by officers raises serious concerns both under the *NALC Constitution* and the law. Any expenditures by an officer using a credit card must be authorized in advance by the members in accordance with Article 12. In addition, the Department of Labor recommends that unions adopt clear policies and procedures for credit card use and payment; maintain detailed records to support charges and payments; and regularly monitor compliance with the union's policies and procedures. I have attached a copy of the DOL's Compliance Tips for Union Credit Card Policy which you and the officers should carefully review.

Ideally, credit card policies and procedures should be discussed and adopted by the mem-

bers at a Branch meeting. However, in the absence of any action by the members, the Branch President would have the authority to supervise the use of credit cards by subordinate officers and, if necessary, cancel the cards.

Finally, your letter also inquires as to whether subordinate Branch officers may attend the National Rap Session. Over the years, NALC Presidents have authorized expansion of the Rap Sessions to allow Branches to include additional attendees. So long as NALC continues this practice, it will be up to each Branch to decide who may attend. Similarly, Branches will have discretion to decide which attendees will be eligible for compensation, so long as the expenditure of Branch funds is properly authorized by the members in accordance with Article 12, Section 3 of the *CGSFB*.

I hope that this letter addresses your concerns. Please feel free to contact Brother Barner or Secretary-Treasurer Nicole Rhine to discuss the implementation of best practices for use of a Branch credit card.

BRANCH 140 MEMBERS—IRONTON, OH
JANUARY 17, 2024 (9277)

This is in reply to your letter, dated December 7, 2024, requesting that I order Branch 140 to conduct a special election to fill vacancies in the office of Branch Treasurer and a steward position.

While I appreciate your concerns, I must advise that there is no basis for your request that I authorize a special election. Normally, a special election would be necessary to fill a vacant officer position only if the Branch By-laws require a special election. In the absence of such a provision, vacancies are to be filled by appointment by the Branch President, as provided by Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, unless the By-laws provide an order of succession.

Similarly, the *NALC Constitution* does not require that stewards be elected. Article 4, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that stewards “MAY be appointed or elected, within the respective stations,” as “MAY be determined” by the Branch. If the Branch By-laws do not provide for steward elections, then stewards are appointed by the Branch President. Article 6, Section 1 of the *CGSFB* specifically provides that the President of the Branch “shall, by virtue of his/her office, be the chief steward for the Branch, and they MAY delegate such authority to other members.” This language empowers the Branch President to appoint stewards.

If the Branch wants to conduct a special election instead, it may submit to the National President a request for special dispensation to do so. Such a request should be in a letter signed by the Branch President and should state the reasons for the request.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

JAYSON JONES—RALEIGH, NC, BRANCH 459
JANUARY 17, 2024 (9286)

This is in reply to your email, sent January 16, 2024, regarding the multiple charges that are pending in Branch 459 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*.

In light of the facts set forth in your email, along with your recent discussion with Executive Vice President Paul Barner, I agree that assistance from National Union is warranted to ensure that the charges are investigated impartially and in full compliance with Article 10. In similar situations, the National Business Agent would be authorized to appoint one or more committees to investigate the charges. However, it is my understanding that the charging party has also filed charges at the national level against NBA Eddie Davidson. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Barner to appoint one or more committees. The committees may include disinterested members from other Branches.

I hope that this letter addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

KEVIN GRAY—MILLEDGEVILLE, GA, BRANCH 1269
JANUARY 17, 2024 (9287)

This is in reply to your email, sent today, requesting dispensation permitting Branch 1269 to proceed with its nominations of officers at its meeting tomorrow, even if the Branch cannot achieve a quorum. According to your email, the Branch has been experiencing low turnout, and inclement weather has been forecast.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Branch 1269 may conduct its scheduled nominations at its meeting on January 18 even if a quorum is not present, so long as all prospective candidates have a fair opportunity to be nominated. If necessary, the Branch should make arrangements for any members who were unable to attend the meeting because of the weather conditions to submit nominations after the meeting.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

MICKY MORRIS—DALLAS, TX, BRANCH 132
JANUARY 18, 2024 (9288)

This is in reply to your letter, dated January 10, 2024, suggesting that Branch 132's instal-

lation of officers have been in violation of the *NALC Constitution*.

I certainly appreciate your concerns, but I cannot agree with your conclusion. Installations are governed by Article 5, Section 6 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Article 5, Section 6 provides for installations to be conducted by “any National officer, a Past President of the National Association, or a President or Past President of a State Association.”

It is my understanding that for many years the installations in Branch 132 have been conducted by the National Business Agent or a Regional Administrative Assistant. NBAs are clearly national officers who are eligible to serve as an installing officer under Article 5, Section 6. Although RAAs are appointed to their positions rather than elected, they are included in Article 9 of the *National Constitution* which sets forth the duties of the various officers of the NALC. (See, Article 9, Section 12.) Accordingly, RAAs may be considered national officers under Article 5, Section 6 of the *CGSFB* who may conduct Branch installations.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

LUKE LOGUE—SIOUX CITY, IA, BRANCH 69
FEBRUARY 6, 2024 (9291)

This is in reply to your email, sent January 27, 2024, requesting dispensation permitting Branch 69 to conduct a rerun election of officers.

It is my understanding that the Branch Election Committee has sustained an appeal and determined that a rerun election should be conducted. This decision was not appealed by any member to the Branch Executive Board. Under these circumstances, the Committee's decision is final and binding under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. Accordingly, the Branch may proceed with the rerun election. Dispensation from the National President is not required.

By copy of this letter, I am directing Executive Vice President Paul Barner to provide whatever assistance the Election Committee and the Branch may require to ensure that the rerun election is conducted properly.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

JOSEPH BAKER—COLUMBIA, SC, BRANCH 233
FEBRUARY 6, 2024 (9292)

This is in reply to your letter, dated January 29, 2024, regarding the charges that you have recently filed against the President of Branch 233 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Your letter requests that I authorize the appointment of an outside com-

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mittee to investigate the charges.

Your letter does not contain sufficient information to justify any intervention by the National Union at this time. Contrary to your suggestion, the President of Branch 233 will not be able to appoint the committee. Article 10, Section 3 of the *CGSFB* provides that the committee to investigate the charge is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” Since your charges are against the President, the Vice President must now appoint the committee.

By copy of this letter, I am directing National Business Agent Eddie Davidson to offer any guidance or other assistance that may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch.

I hope that this letter addresses your concerns. This letter should not be read to express any view as to the merits of the charges or any other issue that may arise during the investigation.

TIMOTHY SWIGERT—GRANITE CITY, IL, BRANCH 1132 **FEBRUARY 7, 2024 (9293)**

This is in reply to your letter, dated January 22, 2024, requesting dispensation permitting Branch 1132 to consolidate the position of Health Benefits Representative (HBR) with the office of Branch President. Your letter indicates that the position is now vacant and that there are very few members eligible to serve as the HBR under Article 4, Section 3 of the *Constitution of the NALC Health Benefit Plan*. That section provides that individuals must be participating members of the Plan in order to hold office in the Plan at the Branch level.

As you recognize, Article 4, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits Branches from consolidating the office of Branch President with any other office, unless the Branch has fewer than ten members. Accordingly, I cannot grant your request to permit a formal consolidation of the HBR position with the office of President of Branch 1132.

As Branch President you do have the authority to fill the HBR position by appointment, so long as the appointee is a member of the Plan. If you are unable to find a single member of the Plan who is willing to serve as HBR you may address the problem by exercising your authority under Article 6, Section 1 of the *CGSFB* which provides that the Branch President shall have “general supervisory powers over the Branch.” This authority allows you to assign the duties of the HBR to another officer who is a member of the Plan or to perform those duties yourself. Dispensation from the National President would not be required.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

WILLIAM NIGHTINGALE JR.—FREDERICKSBURG, VA, BRANCH 685 **FEBRUARY 12, 2024 (9301)**

This is in reply to your letter, dated February 6, 2024, requesting dispensation permitting Branch 685 to reschedule its nominations and election of delegates to the 2024 National Convention. According to your letter, the Branch was unable to conduct a timely election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 685 dispensation to reschedule its nominations of delegates to next regular meeting at which it is possible to hold nominations. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

Please understand that this dispensation applies only to the 2023 nominations and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

TONY VAUGHN—BALTIMORE, MD, BRANCH 176 **FEBRUARY 12, 2024 (9302)**

This is in reply to your letter, which you emailed to me on February 1, 2024, inquiring whether Branch 176 member Crystal Tyson is eligible to serve as an elected shop steward. According to your letter, another member has alleged that Sister Tyson asked management to be an acting supervisor, but that request was denied. Sister Tyson has denied this accusation.

At the outset, your letter does not contain sufficient information for me to rule on this matter. I can provide the following general advice.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits any member who holds, accepts, or applies for a supervisory position in the Postal Service from serving as an officer or steward for two years following termination of supervisory status. The prohibition set forth in Article 5, Section 2 covers any application for a supervisory position. It is not necessary that the member file a Form 991 or otherwise submit an application in writing. A letter or verbal communication indicating a member’s interest in a management position may or may not constitute an application for a supervisory position, depending on the member’s intent, the specific wording of the statement, local practices, and other relevant circumstances.

It is your responsibility as Branch President to determine whether Sister Tyson has been disqualified for Branch office under the foregoing principles. If necessary, you may discuss the issue with management to clarify this question. If you conclude that Sister Tyson did not actually apply for a supervisory position, then she would remain eligible to serve as a steward. If you find that she did in fact request a supervisory position, and management considered the request to be sufficient to qualify as an application, then you would be obliged to disqualify her from serving. Any member dissatisfied with your decision may appeal it to the Branch under Article 11, Section 1 of the *CGSGB*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

PATRICK NELSON—RICHMOND, VA, BRANCH 496 **FEBRUARY 13, 2024 (9306)**

This is in reply to your letter, dated February 5, 2024, requesting dispensation permitting you to take a leave of absence as President of Branch 496, so that the Branch may forgo paying your salary. According to your letter, the Branch has encountered financial difficulties and this arrangement will permit it to realize needed savings.

At the outset, I commend you for your willingness to sacrifice your compensation in order to assist the Branch. Nonetheless, your proposal should not be implemented without the knowledge and approval of the membership. Therefore, before taking any leave you should discuss your proposal at the next Branch meeting, and the members should vote on whether to approve your leave of absence.

If the members approve the proposal, then, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 496 dispensation to set aside any By-law provisions requiring payment of the President’s salary until such time as your leave of absence is terminated.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

CATHERINE BODNAR—HIGHLAND, IN, BRANCH 580 **FEBRUARY 20, 2024 (9317)**

This is in reply to your letter, dated February 8, 2024, concerning the election of delegates in Branch 580. According to your letter, 42 members were nominated to run for 35 open delegate positions. (The Branch President is an automatic delegate.) However, following the election, the Election Committee only reported the names of the winning candidates. You now ask whether the seven losing candidates still qualify as alternate delegates who have the right to replace any of the 35 elected delegates

who decide not to attend the National Convention.

The answer to your question is yes. Under the provisions of Article 4 of the *NALC Constitution*, the seven nominees who were not elected to delegate positions are considered alternate delegates who replace any delegates who do not attend the Convention. Specifically, Article 4, Section 3 provides that an alternate delegate:

shall be recognized as the delegate in the event of the inability of any delegate to attend the Convention, or of the death or resignation of any delegate. . . . [T]he alternate who received the highest number of votes shall be assigned to act instead of any one delegate who is unable to attend such Convention; and, when more than one delegate is unable to attend such Convention, alternates shall be assigned in accordance with the number of votes cast for each one in the election, and shall be certified in such numerical order to act in their stead.

The failure of the Election Committee to list the names of the alternates in its report does not affect their status under the *Constitution*. The alternates must be selected in accordance with the number of votes they received in the election.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

BONNIE ALSUP—FOND DU LAC, WI, BRANCH 125

FEBRUARY 23, 2024 (9320)

This is in reply to your letter, dated February 6, 2024, inquiring whether the current Branch 125 Vice President is eligible to serve as a delegate to the National and Wisconsin State Association Conventions. According to your letter, the Branch By-laws provide that the President, Vice President, and Recording Secretary-Financial Secretary/Treasurer are automatic delegates. However, the current Vice President was appointed to that position to fill a vacancy.

The relevant rules which should be applied to this situation are as follows. Article 5 of the *NALC Constitution*, in accordance with federal law, expressly requires that delegates be elected. While it is permissible for Branches to provide in their By-laws that certain officers will be delegates by virtue of their office, the member must be elected to such office. Numerous presidential rulings have held that a member who has been appointed to an office may serve as a delegate by virtue of that office only when one of two conditions has been satisfied: (1) if, before the appointment, the member had been separately elected to be a delegate; or (2) if, prior to the appointment, the member had been elected to a different Branch office for which the By-laws provide that the office holder shall automatically be a delegate.

The information provided in your letter indicates that Brother Misch was initially elected to the office of Recording Secretary—Financial Secretary/Treasurer which, under the By-laws, would have allowed him to serve as a delegate by virtue of his office. It is of no consequence that he was elected by acclamation. Since he was initially elected to an office which is an automatic delegate, he remains eligible to serve as a delegate by virtue of his subsequent appointment as Vice President, since that office is also an automatic delegate under the By-laws.

In addition, as you correctly observe, you also remain eligible to serve as a delegate since you were separately elected to be a delegate.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

D. ROBERT JOHNSON—ALPHARETTA, GA

GEORGIA STATE ASSOCIATION OF LETTER CARRIERS

FEBRUARY 23, 2024 (9321)

This is in reply to your letter, dated February 15, 2024, requesting dispensation to register the delegates-at-large from the Georgia State Association of Letter Carriers to the 2024 National Convention after the registration deadline. According to your letter, the GSALC Convention is scheduled for June 7 and 8, so that the election of these delegates cannot take place before the deadline.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please make arrangements with Secretary-Treasurer Nicole Rhine to register the delegates as expeditiously as possible after the GSALC Convention.

JOHN DARDEN—KILLEEN, TX, BRANCH 4217

FEBRUARY 27, 2024 (9323)

This is in reply to your letter, dated February 22, 2024, requesting dispensation permitting Branch 4217 to withhold paying its delegates to the 2024 National Convention, except for the President. According to your letter, the By-laws require that delegates be funded if they have attended six meetings. However, it appears that the Branch doesn't have sufficient funds to implement this requirement.

Because the By-laws require the payments at issue, your request for dispensation from me is appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant dispensation permitting Branch 4217 to withhold payment of Branch funds to its delegates to the 2024 National Convention, even if they have satisfied the minimum meeting attendance requirement provided by the Branch By-laws.

Since the By-law has been suspended, any payments to convention delegates, including the Branch President, must now be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*. The members may vote to establish which delegates will be paid to attend the Convention, and any criteria delegates must satisfy to receive Branch funds.

Finally, please note that this dispensation applies only to payments to delegates who attend the 2024 NALC National Convention. If the Branch wants to change its compensation rules for future conventions, it should amend its By-laws accordingly.

I hope that this letter addresses your concerns. Thank you for stepping forward to serve as President of your Branch and for bringing this matter to my attention.

EDDIE DAVIDSON—MARIETTA, GA, REGION 9

FEBRUARY 27, 2024 (9324)

This is in reply to your email, sent February 23, 2024, requesting dispensation permitting Branch 263 to conduct a special election for two at large Executive Board positions. According to your email, the Branch inadvertently failed to open nominations for these two positions at its recent nominations meeting.

Your request is certainly appropriate. In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 263 dispensation to conduct new nominations and, if necessary, a special election for the two Executive Board positions in question. Please provide whatever assistance the Branch may require to conduct the nominations and election.

This dispensation is only for the current election. In the future, the Branch will be expected to conduct its regular elections in accordance with the provisions of its By-laws.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

DAVID SKOWRONEK—MILWAUKEE, WI, BRANCH 2

FEBRUARY 29, 2024 (9325)

Your email to Assistant Secretary-Treasurer Mack Julion, sent February 23, 2024, has been referred to me for reply. Your email asks whether a proposed amendment to the Branch 2 By-laws may be withdrawn even though it has been distributed to the members of the Branch, and a vote on the amendment has been scheduled. Apparently, the sponsors of the amendment have asked to withdraw it.

The short answer to your question is the Branch has discretion to resolve the issues described in your email in any manner which is

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consistent with its existing By-laws and established Branch practices.

By-law amendments are governed by Article 15 of the *NALC Constitution*. Article 15 sets forth the minimum requirements that must be satisfied for a Branch to submit a proposed By-law amendment to the National Committee of Laws for approval. As stated in Article 15, “the amendment [must have] been submitted in writing at the last previous regular branch meeting, and suitable notification to members [must have been] made at least ten (10) days before the regular meeting at which the vote is to be taken.” Thus, so far as the *Constitution* is concerned, the Branch may vote on the amendment and submit it for approval, so long as the procedural requirements provided by Article 15 have been met.

However, Article 15 does not contain any language specifying which meetings Branches are obliged to consider By-law proposals submitted by members. Rather, Article 15 permits Branches to amend their By-laws “from time to time as may be deemed most expedient.” As previous presidential rulings have recognized, this provision vests Branches with authority to adopt reasonable rules governing the procedures for consideration and voting on proposed By-laws. Thus, while the Branch may conduct the vote, it is not required to do so by the *Constitution*.

I hope that this letter addresses your concerns, at least in part. Thank you for bringing this matter to my attention.

SANJERA JOHNSON—TEXARKANA, TX, BRANCH 569

MARCH 26, 2024 (9338)

This is in reply to your letter, received March 21, 2024, requesting dispensation permitting Branch 569 to reschedule its nominations and election of delegates to the 2024 National Convention. According to your letter, the Branch was unable to conduct a timely election at its November meeting, apparently for lack of a quorum.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 569 dispensation to reschedule its nominations of delegates to the next regular meeting at which it is possible to hold nominations. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

By copy of this letter, I am directing National Business Agent Shawn Boyd to provide whatever assistance the Branch may require to conduct nominations and an election.

Please understand that this dispensation applies only to the nominations and election of delegates that should have been conducted in 2023. For future elections, the Branch must

comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

Your letter also requests guidance as to the procedure for removing a Branch officer who is allegedly refusing to perform their duties. As previous rulings have consistently recognized, a Branch President may not summarily remove another Branch officer. The appropriate procedure for removing an officer is to initiate charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*. Under Article 10, an officer may be removed if they are found guilty of “fail[ing] or neglect[ing] to discharge the duties of their office.” Such charges must first be investigated by an appointed committee, and then voted on by the Branch at a meeting.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

JAMES BROWN—DAYTON, OH, BRANCH 182

MARCH 28, 2024 (9343)

This is in reply to your letter, dated March 26, 2024, concerning the process Branch 182 must follow to consider a proposed amendment to its By-laws that would reduce the Branch’s dues. My responses below correspond to your numbered questions.

1. Your first question is what type of notice must be given prior to a vote to reduce dues. Please be advised that the provisions of Article 7, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* establishing procedures for increases in dues and initiation fees by majority vote are inapplicable to the distinct question of dues reduction. Since the *Constitution* is silent on the latter, the issue is controlled by Article 15 of the *NALC Constitution*, which sets forth the minimum requirements that must be satisfied for a Branch to amend its By-laws.

As stated in Article 15, “the amendment [must have] been submitted in writing at the last previous regular branch meeting, and suitable notification to members [must have been] made at least ten (10) days before the regular meeting at which the vote is to be taken.” Thus, so far as the *Constitution* is concerned, the Branch may vote on the amendment, so long as these procedural requirements provided by Article 15 have been met.

2. The *Constitution* does not require that the vote be taken by secret ballot. However, the Branch must comply with any provisions of its By-laws requiring a secret ballot.

3. So far as the *Constitution* is concerned, the amendment may be adopted by majority vote, unless the By-laws provide a higher threshold.

4. Retiree members have the right to vote on the proposed dues reduction.

5 and 6. As stated in Article 15, By-law amendments “fixing the amount of . . . dues . . . shall become effective at the time determined by the Branch.” The *Constitution* does not require that such an amendment be approved by the National Committee of Laws.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

GARY BAGGETT—MURFREESBORO, TN, BRANCH 1402

APRIL 3, 2024 (9350)

This is in reply to your letter, dated March 15, 2024, requesting dispensation permitting Branch 1402 to conduct a special election for President. According to your letter, the incumbent President resigned in January and the position is now vacant.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch should conduct the special election as expeditiously as possible.

By copy of this letter, I am directing National Business Agent Steve Lassan to provide whatever assistance the Branch may need to conduct the special election.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

MIKE KURZ—ELIZABETH CITY, NC, BRANCH 1127

APRIL 11, 2024 (9354)

This is in reply to your email, sent April 10, 2024, requesting dispensation permitting Branch 1127 to conduct a special election for Vice President. According to your email, the incumbent Vice President has resigned.

Please be advised that, normally, the resignation of a Branch officer would not necessitate a special election. Article 4, Section 2 of the *NALC Constitution for the Government of Subordinate and Federal Branches* specifically provides that the Branch President may fill vacancies in officer positions by appointment, unless the Branch By-laws provide for an order of succession or a special election.

If the Branch By-laws do not provide for either an order of succession or a special election, then the President of the Branch may appoint members to fill all vacant officer positions. Accordingly, as President of the Branch you have discretion to appoint any member of the Branch who is willing to serve to be Vice President until the next regular election.

However, if your preference is to conduct a special election, and the Branch 1127 By-laws do not provide for a special election, then, in accordance with my authority under Article 9, Section 1 of the *National Constitution*, I hereby grant you dispensation to do so.

I hope that this letter addresses your con-

cerns. Thank you for bringing this matter to my attention.

DAVID MUDD—STERLING HEIGHTS, MI, REGION 6

APRIL 12, 2024 (9355)

This is in reply to your email, sent April 10, 2024, concerning the situation in Branch 775. According to your letter, the President of the Branch has accepted a management position, so that the office of President is now vacant. It appears that the Branch Vice President is both unwilling and unable to serve as President.

In light of the facts described in your email, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 775 dispensation to conduct a special election for President. Your office should provide whatever assistance the Branch may require to conduct the special election as expeditiously as possible. If the office of Vice President becomes vacant, the newly elected President may appoint a Vice President, in accordance with Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*, unless the Branch By-laws provide an order of succession or require a special election.

Thank you for bringing this matter to my attention.

SHIRLEY HISE—SUN CITY, AZ, BRANCH 6156

APRIL 29, 2024 (9370)

This is in reply to your letter, dated April 21, 2024, requesting dispensation permitting Branch 6156 to change the date of its regular meeting in July to July 11 to avoid having the meeting fall on the July 4 holiday.

Your request is certainly appropriate. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please be sure to provide appropriate and timely notice of this change to the members of the Branch.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

ASHLEY FLOWERS—PETERSBURG, VA, BRANCH 326

MAY 6, 2024 (9383)

This is in reply to your email, sent May 3, 2024, requesting dispensation permitting Branch 326 to reschedule its nominations and election of delegates to the 2024 National Convention. According to your letter, the former President of the Branch failed to conduct a timely election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 326 dispensation to re-

schedule its nominations of delegates to next regular meeting at which it is possible to hold nominations. The Branch must provide appropriate and timely notice of this change to all active and retired members as expeditiously as possible. An election, if necessary, may be scheduled for a later meeting.

Please understand that this dispensation applies only to the nominations and election of delegates to the 2024 National Convention. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the *NALC Regulations Governing Branch Election Procedures*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

CHRIS RIDLEY—FREDERICKSBURG, VA, BRANCH 685

MAY 10, 2024 (9388)

Your email to Executive Vice President Paul Barner, sent May 8, 2024, has been referred to me for reply. Your email indicates that you do not believe that you can appoint a committee of three disinterested members to investigate charges that have been filed against the President of Branch 685.

By copy of this letter I am directing National Business Agent Vada Preston to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Preston to appoint the committee. The committee may include members from outside Branches.

I hope that the this letter addresses your concerns. This letter should not be read to express any view as to the merits of the pending charges or any related issue.

CYNTHIA STALEY—PHOENIX, AZ, BRANCH 576

MAY 15, 2024 (9394)

This is in reply to your letter, dated April 26, 2024, requesting dispensation authorizing you, as President of Branch 576, to postpone an election of stewards at Rio Salado S&DC and, instead, to appoint stewards on an interim basis.

According to your letter, letter carriers from several stations are scheduled to be relocated to Rio Salado on June 1. However, you have recently been notified that the relocation of the carriers from the Arcadia station will not take place until June 29. You now ask to appoint stewards who would serve until the relocation process is completed. At that time you will conduct an election of stewards, as required by the Branch By-laws.

Your request is certainly reasonable. Therefore, in accordance with my authority under

Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

WAYNE WATTS—LAWTON, OK, BRANCH 1123

MAY 16, 2024 (9401)

This is in reply to your letter, dated May 15, 2024, concerning charges that have been filed against you and the Treasurer of Branch 1123 under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The charges have been filed by the Branch Vice President. You now ask who is to chair the Branch meeting at which the charges are to be read and who should appoint the committee to investigate the charges.

At the outset, the *Constitution* does not require that you relinquish the chair of the meeting at which the charges are read. You may turn the chair over to another officer or member to call for the reading of the charges, but it is not necessary that you do so.

The appointment of the investigating committee is another matter. Normally, the committee is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” However, as previous rulings have recognized, the Vice President should not appoint the committee if they are likely to be involved in the investigation of charges as a witness or have been involved in the preparation of the charges. Accordingly, a Vice President who is a party to the charges cannot appoint the committee.

If the Vice President cannot appoint the committee, then the next highest ranking officer who is not involved should do so. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee. As a last resort, as President of the NALC, I can authorize your National Business Agent to appoint the investigating committee if the Branch is unable to do so.

I hope that this letter addresses your concerns. This letter should not be read to reflect any view as to the merits of the charges against you.

JEFFREY WAGNER—WEST PALM BEACH, FL, BRANCH 1690

MAY 16, 2024 (9402)

This is in reply to your letter, dated April 26, 2024, requesting dispensation authorizing you, as President of Branch 576, to postpone an election of stewards at Rio Salado S&DC

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and, instead, to appoint stewards on an interim basis.

According to your letter, letter carriers from several stations are scheduled to be relocated to Río Salado on June 1. However, you have recently been notified that the relocation of the carriers from the Arcadia station will not take place until June 29. You now ask to appoint stewards who would serve until the relocation process is completed. At that time you will conduct an election of stewards, as required by the Branch By-laws.

Your request is certainly reasonable. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.

DOUGLAS YOCUM—OWENSBORO, KY, BRANCH 234 **MAY 20, 2024 (9404)**

This is in reply to your letter, received by my office May 13, 2024, requesting that I authorize National Business Agent David Mudd to assist you in appointing a committee to investigate charges that have been brought under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches* against the former President of Branch 234.

Your request is appropriate in light of the circumstances presented. Therefore, by copy of this letter, I am directing Brother Mudd to provide whatever assistance may be necessary to ensure that an impartial committee is appointed to investigate the charges and report the facts to the Branch. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I am authorizing Brother Mudd,

or his designee, to appoint the committee, if he believes that it is in the best interest of the Branch for him to do so. If necessary, the committee may consist of members from outside the Branch.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention. This letter should not be read to express any view as to the merits of the pending charges or any related issue.

DAVID GROSSKOPF JR.—CHEEKTOWAGA, NY, BRANCH 3 **MAY 23, 2024 (9408)**

This is in reply to your email, sent May 20, 2024, requesting dispensation permitting Branch 3 to include Brother Larry Kania as a delegate to the 2024 National Convention, even though he was not nominated or elected as a delegate. According to your email, Brother Kania is on the Scholarship Committee and needs to be in attendance to be part of that presentation.

Unfortunately, I cannot grant your request. The *NALC Constitution*, consistent with federal law, does not permit Branches to simply appoint members to serve as delegates. The *Constitution and Regulations Governing Branch Election Procedures* require that convention delegates be nominated and elected by the Branch that they will represent. It would be inconsistent with this requirement to simply name an individual as a delegate outside the normal nomination process.

Brother Kania may attend the Convention as a guest so that he can be on the stage and do whatever else he may have to do to fulfill his Scholarship Committee responsibilities. The Branch can vote to pay his expenses if his attendance isn't covered by existing By-law provisions or previously adopted motions.

I trust that this letter, at least in part, addresses your concerns. Thank you for bringing this matter to my attention.

DAVID MCFARLAND—ARLINGTON, TX, BRANCH 2309 **MAY 31, 2024 (9416)**

This is in reply to your letter, received by my office May 29, 2024, requesting dispensation permitting Branch 2309 to waive the minimum meeting attendance requirement for paid delegates set forth in its By-laws to allow you to attend the 2024 National Convention. According to your letter, you were unable to satisfy the minimum attendance requirement due to serious health problems.

I agree that it is important for you to attend the Convention since you are President of the Branch. Accordingly, your request for dispensation from me is appropriate. Therefore, in light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant dispensation permitting Branch 2309 to pay Branch funds to delegates to the National Convention, notwithstanding their inability to meet the minimum meeting attendance requirement provided by the Branch By-laws.

However, since the By-laws do not authorize such payment, the members will have to vote on this matter (unless they have already done so). Any payment to any delegate who does not otherwise qualify under the By-laws must be approved by a majority vote of the members present and voting at a regular meeting, as provided by Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.

I hope that this letter addresses your concerns. Thank you for bringing this matter to my attention.