



# TRANSPORT WORKERS UNION OF AMERICA AFL / CIO

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**LOCAL 562**

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## TWU Constitutional Convention 2009

The Convention started Sunday Night at 8pm with the "Official Welcome and Orientation". President Jim Little gave a speech highlighting some of the initiatives that the TWU has had such as the Strategic Planning Sessions where Presidents from all different sections of the TWU meet and discuss what changes they would like to see within the TWU and ways that we can coordinate our efforts, the core message was "If we don't evolve we will dissolve".

The rejection of our Resolutions was for me an indication that for many the concept of change is still intimidating.

Forty Resolutions were passed. Everything that was recommended by the Resolutions Committee passed and everything that the committee recommended to be rejected was rejected. The Resolutions Committee was made up of members of the IEC and IEB, a total of 53 people. The discussions that the committee had in making these determinations were not open.

The fact that our Resolutions failed wasn't the part that troubled me the most, it was the way that debate was suppressed. I was not even permitted to read out the Resolution on the floor. From talking to people afterwards most of the delegation was apparently unaware of what they were voting against. For three days we had to sit there while all 40 of the Resolutions that the committee recommended were read out but we were not permitted to read out the ones they recommended we reject. All the Resolutions the Committee rejected were lumped together and voted on at once, we had to make motions to discuss the ones we wanted to debate and we could only call out the letter identifying the Resolution, such as "Resolution A". If we had done it the other way around we could have been done in a day.

Reviewing all the Resolutions that passed would be pointless and there really wasn't anything surprising, resolving to support EFCA, Health Care Reform, Pensions, raising the minimum wage and fighting the outsourcing of US Jobs and Right To Work legislation are pretty much a given. If anyone wants a copy of the Resolutions contact me and I'll send you one.

There were six changes to the Constitution. None of them were encouraging nor did they comply with the theme of "Evolve or dissolve". They broadened the authority of the International, brought the Constitution in compliance with Federal law or restricted the rights of members.

### Constitutional Amendment #1. Add New Article XXIII Exhaustion of remedies

Basically it's an attempt to conform to Federal Law while still trying to say members can't sue the Union. The real change is the fact that Article XIX Section 5(c) was deleted. This article stated that to sue the union was an act that falls under discipline and a member could be put in bad standing for doing so. This part of the Constitution was a violation of the law.

### Constitutional Amendment #2. Dual Unionsim

This amendment called for the addition of a new section (7) to Article IV and new section 4 to article XV and amendment of the language in Article XIX Section 2.

Basically this change says you can't hold union office for three years after being found guilty (which is the same as being accused if an International Officer makes the accusation) of Dual Unionism and it allows the accuser to wait up to four years before filing charges. This four year window would apply to any other form of conduct unbecoming as well. So let's say a member participates in a card drive or disrupts a meeting, then within four years decides to run for office, the International or any member of their Local can bring them up on charges, in the case of dual unionism they could be banned from holding office seven years after the fact was known.

Constitutional Amendment #3. Amendment on timely objections to elections.

This amendment states that a member only has 15 days to file a complaint if he is denied the opportunity to be a candidate or if its felt the election was not done properly. There was no restriction other than the obvious before.

Constitutional Amendment #4. Attendance requirements at membership meetings.

This amendment brings the Constitution into compliance with Federal laws in regards to membership meetings and candidate eligibility. What it boils down to is Unions can't set up rules that eliminate eligibility for candidacy for too many members. If only a small portion of the membership attend meetings (which is common) you can't use that as a means to narrow the pool of potential candidates.

Constitutional Amendment #5. Time limits on Appeals to Convention

This Amendment restricts members to a 30 day limit after notification as to when a member can file an appeal to the International Convention. Prior to this there was no limit.

So prior to this Convention the member had up to four years to file an appeal against a decision of the International, that's gone, it now 30 days and he may have to wait four years for a decision but charges can be filed against members up to four years after the alleged offense, before it was 60 days.

Constitutional Amendment #6. Appointment of IEC members to International Appeals Committee.

This amendment allows the IEC to appoint IEB members to the Committee on Appeals.

To sum up this Convention some of what I heard was encouraging; some of what I saw was disappointing. While the video streaming was encouraging it was tempered by its limited coverage. The Resolutions that passed are all well intended, some of the Constitutional changes were regrettable. The failure of Electronic Balloting, which would have provided the membership a clear picture of the Convention, was rejected. It had the potential of being a major step forward. This could have been the Convention that truly set us in a new direction where the union was truly given back to the members.

While nobody spoke against Electronic Balloting we were not permitted to speak on the floor in favor of it. We weren't even permitted to read it out. I've discussed electronic balloting with several people on the committee and the International and the only thing objectionable that was brought up was the cost factor. One figure was \$200,000 for the week. While that may sound like a lot of money it comes out to less than 1 penny a week per member. Less than one penny a week for Democracy, Accountability and Transparency. That's a tiny fraction of what members are asked to give to COPE to ensure that we get from our government what we don't get from our union.

Fraternally:



Bob Owens

President Local 562