



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

As Amended and Adopted by the
National Executive Board
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Section 1: Introduction

The National Executive Board of the American Postal Workers Union, AFL-CIO (APWU) in session adopted the following guidelines and procedures concerning the formation of Area Locals, Local Union Mergers, Members-At-Large (MAL) mergers with either a Local or Area Local, the method of the disaffiliation of existing mergers, dissolving a Local, new facilities or installations, non-mail processing facilities, and excessing of offices, facilities or installations. The Merger Guidelines were originally adopted by the National Executive Board on March 15, 1985. Since that time, the Merger Guidelines have been amended several times, the most recent being October 27, 2014.

No merger with or the formation of an Area Local will be permitted unless approval has been requested from and granted by the APWU National Secretary-Treasurer pursuant to the following procedures.

1.1 Definitions

Chartered Local

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

State Local

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

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

Area Local

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

Member-at-Large (MAL)

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

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

Sectional Facility Center (SCF)

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

Merging of a Local or Area Local

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

Non-Mail Processing Facility

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

1.2 Area Local Jurisdiction

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

Crossing SCF boundary lines

If an Area Local requests to extend its jurisdictional claim beyond its present SCF boundary lines but not cross state boundary lines, then the following action must be taken:

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

Crossing state boundary lines

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

1. The APWU National Secretary-Treasurer will send a letter, by certified mail with a return receipt, to the involved State Presidents, providing copies of the merger request, to obtain the following information:
 - A. Does the State approve or disapprove of the request?
 - i. Copies of the minutes from the Executive Board and membership meetings where this issue is considered and the vote is taken must be provided to the APWU National Secretary-Treasurer.
 - ii. If disapproved by the Executive Board or membership, the reason(s) for this decision must be specified.

- B. The involved State Presidents may submit a written response to the APWU National Secretary-Treasurer within sixty (60) days of receipt of the letter.
2. The involved parties will be notified and must then initiate the steps for conducting a vote and finalizing all items as stipulated in these guidelines.

Number of Area Locals in an SCF

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

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

Section 2: Guidelines

2.1 Forming an Area Local

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

1. The involved Locals requesting to merge to form an Area Local must submit the following to the APWU National Secretary-Treasurer:
 - Request Form (Form MF01).
 - Proposed Area Local Constitution and Bylaws.
 - Merger terms (if applicable).
 - Agreed upon local dues (provide on Form MF01).
 - List of Intended Offices Form (Form MF07).
2. Upon receipt of approval by the APWU National Secretary-Treasurer to establish an Area Local, the involved Locals shall then initiate the following actions:
 - A. Post on a regular meeting notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a secret ballot vote will be conducted on the question of merging with (name of Local) to create (proposed name of new Area Local). The time, date and location of the meeting must be specified. See Sample Meeting Notice (Form SMF01).
 - B. At the regular membership meetings of the involved Locals, the Chair is to conduct a secret ballot vote (See Sample Secret Ballot Form SMF02) on the question of merging to form an Area Local.
 - C. The question of merger must receive a majority vote [fifty (50%) percent, plus one (1)] of the members present and voting at each of the regular membership meetings of the involved Locals.
4. After completion of the vote actions, whether approved or disapproved, the involved Locals are to submit the following to the APWU National Secretary-Treasurer:
 - Copies of meeting notices and minutes from the regular membership meetings.
 - Vote Tally Sheets (Form MF02).
 - Local Officers Update Form (Form MF03), if merger is approved.
 - New dues rate, if merger is approved.
5. The APWU National Secretary-Treasurer will then send a letter, by certified mail with a return receipt, to the newly formed Area Local advising on the following:
 - A. Actions that are to be taken to terminate the outgoing Local including:
 - i. Sending a terminating LM-2, 3 or 4 report for the terminating Local to the Department of Labor (DOL).

- ii. Sending a letter to the Internal Revenue Service (IRS) terminating the EIN for the outgoing Local (Form MF04).
- iii. Sending a terminating letter to the DOL regarding the outgoing Local (Form MF05).
- iv. Completion of Assets Form (Form MF06).

6. Handling of Outgoing Local's Treasury

- A. Pursuant to these guidelines adopted by the NEB, the outgoing Local must turn local funds/assets over to the newly formed Area Local. The outgoing Local must turn these funds over to the newly formed Area Local when closing out all checking and savings accounts.

7. Equipment / Supplies / Official Records

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

8. Copies of the reports (as listed above in #5) and the Assets Form (Form MF06) are to be provided to the APWU National Secretary-Treasurer within thirty (30) days of receiving notification that the merger had been processed. The original reports are to be sent directly to the DOL and the IRS. *Failure to provide the APWU National Secretary-Treasurer with these copies within thirty (30) days will result in the holding in escrow the Area Local's DCO rebate checks, including stopping the direct deposit, until the reports are received.*

2.2 Local/Area Local Merging with an Area Local

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

1. A Local or Area Local requesting to merge with an Area Local must submit the following to the APWU National Secretary-Treasurer:
 - Request Form (Form MF01).
 - Copy of the Area Local's Constitution and Bylaws.
2. The involved Locals shall then initiate the following actions:
 - A. Post on a regular meeting notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a secret ballot vote will be conducted on the question of merging with (name of Local or Area Local). The time, date and location of the meeting must be specified. See Sample Meeting Notice (Form SMF01).
 - B. At the regular membership meetings of the involved Locals, the Chair is to conduct a secret ballot vote (See Sample Secret Ballot Form SMF02) on the question of merging.
 - C. If one or both of the involved Locals do not hold a merger meeting in accordance with Sections 2A and 2B, as listed above, then the Secretary-Treasurer's Department will have the authority to poll the members of the Local(s) by secret ballot on the questions of merger.
 - D. The question of merger must receive a majority vote [fifty (50%) percent, plus one (1)] of the members voting in each of the involved Locals.
3. After completion of the vote actions, whether approved or disapproved, the involved Locals are to submit the following to the APWU National Secretary-Treasurer:
 - Copies of meeting notices and minutes from the Locals' regular membership meetings.
 - Vote Tally Sheets (Form MF02).
 - Local Officers Update Form (if changed) (Form MF03), if merger is approved.
 - New dues rate, if merger is approved.
4. The APWU National Secretary-Treasurer will then send a letter, by certified mail with a return receipt, to the Area Local advising on the following:
 - A. Actions that are to be taken to terminate the outgoing Local including:
 - i. Sending a terminating LM-2, 3, or 4 report for the terminating Local to the Department of Labor (DOL).

- ii. Sending a letter to the Internal Revenue Service (IRS) terminating the EIN for the terminating Local (Form MF04).
- iii. Sending a terminating letter to the DOL regarding the outgoing Local (Form MF05).
- iv. Completion of Assets Form (Form MF06).

5. Handling of Outgoing Local's Treasury

- A. Pursuant to these guidelines adopted by the NEB, the outgoing Local must turn local funds/assets over to the newly formed Area Local. The outgoing Local must turn these funds over to the newly formed Area Local when closing out all checking and savings accounts.

6. Equipment / Supplies / Official Records

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

- 7. Copies of the reports (as listed in #4 above) and the Assets Form (Form MF06) are to be provided to the APWU National Secretary-Treasurer within thirty (30) days of receiving notification that the merger had been processed. The original reports are to be sent directly to the DOL and the IRS. *Failure to provide the APWU National Secretary-Treasurer with these copies within thirty (30) days will result in the rebate checks for the members of the merged local being held in escrow until the reports are received.*

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

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

1. Action to be taken by the MAL office:

- A. An MAL office wishing to merge with a Local or Area Local must complete the Request Form (Form MF01).
 - i. A majority of the members in the MAL office must sign and approve of the merger. MAL members must signed the MAL Petition to Merge by checking the appropriate box in the approve or disapprove section. A majority of the members in the MAL office must sign and approve of the merger.
 - ii. If a majority of the MAL members fail to sign the MAL Petition to Merge, the APWU National Secretary-Treasurer or designee will conduct a secret ballot vote on the question of merging with the involved Local or Area Local. See Sample Meeting Notice (Form SMF01) and Sample Secret Ballot (Form SMF02).
 - iii. The question of merger must receive a majority vote [fifty (50%) percent] of the members voting by secret ballot vote.

2. Action to be taken by the Local or Area Local

- A. Post on a regular meeting notice, at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a secret ballot vote will be conducted on the question of merging with (name of MAL office). The time, date and location of the meeting must be specified. See Sample Meeting Notice (Form SMF01).
 - B. At the regular membership meeting of the involved Local or Area Local, the Chair is to conduct a secret ballot vote (Form SMF02) on the question of merging.
 - C. The question of merger must receive a majority vote [fifty (50%) percent] of the members present and voting at the membership meeting of the involved merging Local or Area Local.
- ### 3. After completion of the vote action, whether approved or disapproved, the Local or Area Local is to submit the following to the APWU National Secretary-Treasurer:
- Request Form (Form MF01) – completed by involved MAL office.
 - Copies of meeting notices and minutes from the Local or Area Local's regular membership meeting.
 - Vote Tally Sheet(s) (Form MF02).

4. One Pay Period Hold

The APWU National Secretary-Treasurer will notify the State President, Local/Area Local and Regional Coordinator that a *one-pay period hold* will be placed on the intended merger prior to implementation if the proposed merger crosses state lines.

2.4 Member-at-Large (MAL) Disaffiliations

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

1. Action to be taken by the MAL office:
 - A. All members in an MAL office wishing to disaffiliate and to return to being MALs in the State Organization must complete the Request Form (Form MF01) by checking the appropriate box in the approve or disapprove section.
2. Upon receipt of the Request Form, the APWU National Secretary-Treasurer shall notify, by certified mail with a return receipt, the following parties in order to afford an opportunity for the involved parties to meet and attempt to resolve the issues causing the request:

Involved Local or Area Local
Involved MAL office
Regional Coordinator

- A. The Local or Area Local and Regional Coordinator will have thirty (30) days from the date of receipt of the notice from the APWU National Secretary-Treasurer to respond to the APWU National Secretary-Treasurer on the efforts to bring about a reconciliation of all parties involved.
3. If an agreement **is** reached among the parties, the disaffiliation case will be closed.
4. If an agreement **is not** reached among the parties, the following actions must be taken:
 - A. The APWU National Secretary-Treasurer will notify, by certified mail with a return receipt, the Local or Area Local and the MAL Office that the Local or Area Local is to initiate action to conduct a vote by its membership at a **special** membership meeting on whether or not to allow the disaffiliation. This secret ballot vote action is to be conducted within ninety (90) days of receipt of the APWU National Secretary-Treasurer's notice.
 - i. A notice is to be posted for thirty (30) days, advising of the date, time and location of conducting a special membership meeting at which the disaffiliation request will be voted on. See Sample Meeting Notice (Form SMF01).
 - ii. A spokesperson for each requesting side will be afforded an equal amount of time to give a presentation at the special membership meeting where the secret ballot vote will be conducted.
 - iii. At the special membership meeting of the involved Local or Area Local, the Chair is to conduct the secret ballot vote (See Sample Secret Ballot Form SMF02) on the question of permitting the involved MAL office to disaffiliate.

- iv. The question of disaffiliation must receive a majority vote [fifty (50%) percent, plus one (1)] of the members present and voting at the special membership meeting.
5. After completion of the vote action, whether approved or disapproved, the involved Local or Area Local is to submit the following to the APWU National Secretary-Treasurer:
 - Copies of meeting notice and minutes from the involved Local or Area Local's special membership meeting.
 - Vote Tally Sheet (Form MF02).
6. If the MAL merger disaffiliation request fails by vote of the MAL members, or the Local or Area Local's membership, the issue may not be raised for six (6) years by any party involved. The APWU National Secretary-Treasurer will send notification on this matter to all parties involved.

2.5 Disaffiliation by a Former Local or Area Local

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

1. Important points regarding former Local or Area Local disaffiliations. **Please note no exceptions will be permitted.**
 - A. Prior approval for a disaffiliation vote must be received from the APWU National Secretary-Treasurer for any Area Local formed or Local or Area Local merger that has already been processed.
 - B. The requesting Local or Area Local may not seek simultaneously to merge with another Area Local or to become Members-At-Large (MAL) in the State Organization.
 - C. If the disaffiliation vote passes, the requesting Local or Area Local will reactivate that Local or Area Local and all offices represented by that Local at the time of the original merger will be returned to that Local's jurisdiction.
 - D. In no instance will a request for disaffiliation be allowed for a jurisdictional area other than that of the original "merging Local".
 - E. The "chartered" office of the Area Local may not seek to disaffiliate from the other offices of that Area Local if it would result in the possible dissolution of the Area Local.
 - F. If the requesting Area Local is made up of only the two (2) Locals that initiated the merger into an Area Local, neither office may seek a disaffiliation that would result in the dissolution of the Area Local.
2. The Local or Area Local requesting to disaffiliate is to return the following documents to the APWU National Secretary-Treasurer:
 - A. Request Form (Form MF01).
 - B. List of current members and address that would constitute the membership of the "Reestablished Local or Area Local".
 - C. Proposed Constitution and Bylaws.
 - D. Proposed local dues (provided on Form MF01).
 - E. List of Intended Offices (Form MF07).
 - F. Petition bearing the signatures of seventy-five (75%) percent of the affected membership requesting disaffiliation from the Area Local with which the office had merged (provided on Form MF01).

3. Upon receipt of the documents listed above, the APWU National Secretary-Treasurer shall notify, by certified mail with a return receipt, the following parties in order to afford an opportunity for the involved parties to meet and attempt to resolve the issues causing the request:

Involved Area Local
Regional Coordinator

- A. The Area Local and the Regional Coordinator will have thirty (30) days from the date of receipt of the notice from the APWU National Secretary-Treasurer to respond to the APWU National Secretary-Treasurer on the efforts to bring about a reconciliation of all parties involved.
4. If an agreement **is** reached among the parties, the disaffiliation case will be closed.
5. If an agreement **is not** reached among the parties, the following actions must be taken:
 - A. The APWU National Secretary-Treasurer will notify, by certified mail with a return receipt, the affected Area Local and offices involved that a disaffiliation request had been received and since a mutual resolve was not reached, that the Area Local is to initiate action to conduct a vote by its membership at a **special** membership meeting on whether or not to allow the disaffiliation. The secret ballot vote action is to be conducted within ninety (90) days of receipt of the APWU National Secretary-Treasurer's notice.
 - i. A notice is to be posted for thirty (30) days advising of the date, time and location of conducting a special membership meeting at which the disaffiliation request will be voted on. See Sample Meeting Notice (Form SMF01).
 - ii. A spokesperson for each requesting side will be afforded an equal amount of time to give a presentation at the special membership meeting where the secret ballot vote will be conducted.
 - iii. At the special membership meeting of the involved Local or Area Local, the Chair is to conduct the secret ballot vote (see Sample Secret Ballot (Form SMF02) on the question of permitting the involved Local or Area Local office to disaffiliate.
 - iv. The question of disaffiliation must receive a majority vote [fifty (50%) percent, plus one (1)] of the members present and voting at the special membership meeting.
6. Upon completion of the vote action, whether approved or disapproved, the involved Area Local is to submit the following items to the APWU National Secretary-Treasurer:
 - Copies of meeting notice and minutes from the Area Local's special membership meeting.
 - Vote Tally Sheet (Form MF02).

7. If the disaffiliation **is not** approved, the issue may not be raised for six (6) years by any party involved. The APWU National Secretary-Treasurer will send notification to all parties involved.
8. The APWU National Secretary-Treasurer will process the request if the disaffiliation **is** approved and send notification to the involved parties. The disaffiliation shall be effective the first of the month following the Local's election of officers (discussed below) or on a date agreed to by the APWU National Secretary-Treasurer with the involved parties.

A. Action to be taken by the reinstated Local:

- i. Hold a special Local union election of officers for all officer positions as outlined by the proposed Local Union Constitution and Bylaws within forty-five (45) days of receipt of notification from the APWU National Secretary-Treasurer.
- ii. File an election report with the APWU National Secretary-Treasurer upon the completion of the election process for Local officers.
- iii. File reports with the following agencies with copies sent to the APWU National Secretary-Treasurer. Upon receiving the information from the reports below, the Local must send the numbers to the APWU National Secretary-Treasurer:
 - Department of Labor (DOL) to obtain an LMSA File Number.
 - Internal Revenue Service (IRS) to obtain an Employer Identification Number (EIN).
- iv. The reinstated Local is responsible for filing all future reports with the DOL and the IRS.

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

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

1. The involved Local must complete the Request Form (Form MF01) requesting to dissolve its charter and become MALs in the State Organization.
 - A. The name of every member of the Local requesting to dissolve must be listed on the Request Form. Each member must sign the petition by checking the appropriate box in the approve or disapprove section.
 - B. If a member is on leave at the time the request is made, the Request Form is to be sent to the member at his/her last known address to afford the fullest opportunity for him/her to affix his/her signature to the form noting the date when the form is to be returned.
 - C. If all members fail to sign the Request Form, then a notice is to be posted at least fifteen (15) days before, but no more than thirty (30) days in advance of the meeting, that a secret ball vote will be conducted on the question of dissolving the (name of Local) to become MALs in the State organization. The time, date and location of the secret ballot vote must be specified. See Sample Meeting Notice (Form SMF01).
 - D. The question of dissolution must receive a majority vote [fifty (50%) percent plus one (1)] of the members present and voting at the meeting.
2. After completion of the vote action, whether approved or disapproved, the involved Local is to submit the following to the APWU National Secretary-Treasurer:
 - Copies of Meeting Notices and Minutes from the meeting where the secret ballot vote was conducted.
 - Vote Tally Sheet (Form MF02).
3. The APWU National Secretary-Treasurer will then send a letter, by certified mail with a return receipt, to the State Organization advising on the following:
 - A. Effective date of dissolution.
 - B. Actions that are to be taken to terminate the outgoing Local including:
 - i. Sending a terminating LM-2, 3, or 4 report for the dissolved Local to the Department of Labor (DOL).
 - ii. Sending a letter to the Internal Revenue Service (IRS) terminating the EIN for the terminating Local (Form MF04).
 - iii. Sending a terminating letter to the DOL regarding the merger (Form MF05).
 - iv. Completion of Assets Form (Form MF06).

4. Handling of Outgoing Local's Treasury

- A. Pursuant to these guidelines adopted by the NEB, the dissolving Local must turn local funds/assets over to the gaining State organization. The dissolving Local must turn these funds over to the gaining State organization when closing out all checking and savings accounts.

5. Equipment / Supplies / Official Records

- A. A determination is to be made on how the files are to be retained for the dissolving Local and what is to be done with the equipment
6. Copies of the reports (as listed in #3 above) and the Assets Form (Form MF06) are to be provided to the APWU National Secretary-Treasurer within thirty (30) days of receiving notification that the merger had been processed. The original reports are to be sent directly to the DOL and the IRS. *Failure to provide the APWU National Secretary-Treasurer with these copies within thirty (30) days will result in the holding in escrow the dissolved local's DCO rebate checks until the reports are received.*

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

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

1. At the end of the two-year period, the APWU National Secretary-Treasurer will send a letter to the members in the Non-Mail Processing Facility asking if they wish:
 - A. To continue to remain a member of that APWU affiliate, or
 - B. To establish a new Local
2. Request from Non-Mail Processing Facility to establish a new Local
 - A. Seventy-five (75%) percent of the APWU members in the Non-Mail Processing Facility must sign the Request Form (Form MF01) in favor of establishing a new Local by checking the appropriate box in the approve or disapprove section.
 - B. Upon receipt of the Request Form (Form MF01), the APWU National Secretary-Treasurer shall notify the involved Local or Area Local, by certified mail with a return receipt, that the members in the Non-Mail Processing Facility have expressed a desire to establish a new Local.
 - i. The Local or Area Local will have thirty (30) days from receipt of that letter to notify if the Local or Area Local is agreeable to allowing the members to leave the Local or Area Local and to establish a new Local.
 - C. If a protest is received from the involved Local or Area Local, the APWU National Secretary-Treasurer will present the request to the National Executive Board for direction on the following issues:
 - i. To conduct a jurisdictional representation secret ballot vote for all members of that Local or Area Local to vote on at a **special** membership meeting; or
 - ii. To allow the members to establish a new Local without a jurisdictional vote
 - D. If the National Executive Board directs to hold a jurisdictional representation secret ballot vote, then the APWU National Secretary-Treasurer shall work in conjunction with the affected Regional Coordinator to conduct the jurisdictional representation secret ballot vote. During the vote process, the dues of the members from the Non-Mail Processing Facility will be held in abeyance by the APWU National Secretary-Treasurer for no more than three (3) pay periods.

- i. The cost of the vote and related expenses will be borne by the APWU, or the National Executive Board may determine to charge on a proportionate basis each affected Local or Area Local.
 - ii. The jurisdictional secret ballot vote will include the name of the affected Local or Area Local and the option of establishing a newly-chartered Local. If there is more than one (1) Local or Area Local involved in the vote, a drawing will occur by the APWU National Secretary-Treasurer to determine placement on the ballot of all Locals involved. Establishing a new Local will be last on the ballot.
 - iii. A thirty (30) day notice will be posted in all offices of the affected Local or Area Local and the involved Non-Mail Processing Facility, advising on the date, time and location of conducting a special membership meeting at which the vote will be held.
 - iv. The notice of the special meeting must state that: "The _____ Non-Mail Processing Facility is requesting to establish a new Local, to be called _____ that will be effective ____ [put date and pay period, if applicable]. The newly-established Local will become responsible for the following offices: [*give name and finance numbers*]."
 - v. A spokesperson for each requesting side will be afforded an equal amount of time to give a presentation at the special membership meeting where the secret ballot vote will be conducted.
 - vi. At the special membership meeting of the involved Local or Area Local, the Chair is to conduct the secret ballot vote (Form SMF02) on the question or permitting the involved Non-Mail Processing Facility to establish a new Local.
 - vii. The question of permitting the involved Non-Mail Processing Facility to establish a new Local must receive by a majority vote [fifty (50%) percent, plus one (1)] of the members present and voting at the special membership meeting.
3. After completion of the vote action, whether approved or disapproved, the involved Local or Area Local is to submit the following to the APWU National Secretary-Treasurer:
 - Copies of the meeting notice and minutes from the involved Local or Area Local's special membership meeting
 - Vote Tally Sheet (Form MF02)
 4. If the vote to establish a new Local did **not** pass, the issue may not be raised by any party involved for six (6) years from the date of the vote.
 5. The APWU National Secretary-Treasurer will process the request if the vote to establish a new Local **did** pass and send notification to all parties involved. Those dues monies held will be forwarded to the newly-established Local to help establish a local treasury to have the proper resources for providing service and representation to the members involved.

A. Action to be taken by the newly-established Local:

- i. Hold a special Local union election of officers for all officer positions as outlined by the proposed Local Union Constitution and Bylaws within forty-five (45) days of receipt of notification from the APWU National Secretary-Treasurer.
- ii. File an election report with the APWU National Secretary-Treasurer upon the completion of the election process for Local officers. The newly elected officers will take office on the first Monday after the Election Committee gives its Official Election Report after tallying the ballots.
- iii. File reports with the following agencies with copies sent to the APWU National Secretary-Treasurer. Upon receiving the information from the reports below, the Local must send the numbers of the APWU National Secretary-Treasurer:
 - Department of Labor (DOL) to obtain an LMSA File Number
 - Internal Revenue Service (IRS) to obtain an Employer Identification Number (EIN)
- iv. The newly-established Local is responsible for filing all future reports with the DOL and the IRS.

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

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

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

The president or designee of each of the affected Locals or Area Locals will be designated by the APWU National President and/or designee to participate in each stage (listed below) of the advanced preparation and planning for the new consolidated installation. All unresolved disputes will be decided by the APWU National President and/or designee. Decisions of the APWU National President may be appealed to the National Executive Board for reconsideration. The above is true except in those circumstances where an existing installation is consolidated or constructed adjacent to or as an extension of an ongoing installation. Such cases will be decided by the National Executive Board on a case-by-case basis.

1. Newly consolidated installations

A. Stages of preparation and planning for the new consolidated installation are listed below. These stages do not apply in those circumstances where an existing installation is consolidated or constructed adjacent to or as an extension of an ongoing installation. Such cases will be decided by the National Executive Board on a case-by-case basis.

i. No later than sixty (60) days prior to the effective date of opening the consolidated installation:

- The president or designee of each affected Local shall meet to select a committee and spokesperson for the purpose of discussing working conditions in the new installation with the USPS representative.
- In the event the representatives cannot reach unanimous agreement on the makeup of the committee, spokesperson and/or the agenda, the APWU National President and/or designee shall select from those represented.

ii. No later than thirty (30) days prior to the effective date of opening the consolidated installation:

- The president or designee of each affected Local shall meet to designate stewards from those employees identified as excessed to the new installation.
- Each president shall select stewards in direct proportion to the number of APWU represented employees targeted for excessing from their respective offices.

- The APWU National President and/or designee will resolve all disputes on fractions of representation in the event the presidents are unable to reach agreement.
- iii. No sooner than one hundred and eighty (180) days and no later than two hundred and ten (210) days after the opening of the new consolidated installation:
- A date will be determined for a jurisdiction representation referendum vote in the installation.
 - Consolidated installations that are fully staffed, effective the opening date of the office, will conduct a jurisdiction representation referendum vote within thirty (30) days. See #2 below.
 - The National Executive Board shall be empowered to determine whether or not the office meets the "fully staffed" criteria.

2. Consolidation of two (2) or more postal installations

- A. The APWU National Secretary-Treasurer will send a certified letter with a return receipt to all affected Locals or Area Locals, asking for each affected Local or Area Local to respond on whether or not their Local or Area Local is interested in representing the employees in the consolidated installation. This letter of intent is to be sent by certified mail with a return receipt to the APWU National Secretary-Treasurer, 1300 L Street, NW, Washington, DC 20005, within thirty (30) days of receipt of the letter of interest.
- B. Conducting the jurisdictional representation referendum vote for installations that are fully staffed effective the opening date of the office.
- i. The APWU National Secretary-Treasurer shall work in conjunction with the affected Regional Coordinator to conduct the jurisdiction representation referendum vote.
 - ii. The Local dues rebate for those members excessed to the new installation shall be rebated to the respective Locals or Area Locals. Such dues money shall be under the jurisdiction of the respective Locals or Area Locals for the initial 180-day period. All dues rebates received after the 180-day period shall be held in escrow by the respective Locals or Area Locals to be transferred in total to the Local or Area Local selected in the jurisdiction referendum vote process.
 - iii. The cost of the vote and related expenses will be borne by the APWU, or the National Executive Board may determine to charge on a proportionate basis each affected Local.
 - iv. The jurisdictional referendum vote ballot will include the name of each affected Local or Area Local and the option of establishing a newly-chartered Local. If there is more than one (1) Local or Area Local involved, a drawing

will occur by the APWU National Secretary-Treasurer to determine placement on the ballot of all Locals involved. Establishing a new Local will be placed last on the ballot.

- v. A thirty (30) day notice will be posted in all offices of the affected Local or Area Local and the involved installation, advising on the date, time and location of conducting the jurisdictional referendum vote.
 - vi. The question of permanent jurisdiction must receive a majority vote [fifty (50%) percent plus (1)] of the members voting in this jurisdictional referendum vote.
 - vii. After completion of the vote action, whether approved or disapproved, the involved Local or Area Local is to submit the following to the APWU National Secretary-Treasurer:
 - Copies of the Meeting Notice and Minutes from the involved Local or Area Local's vote on jurisdictional representation.
 - Vote Tally Sheet (Form MF02)
 - viii. The effective date will be determined by the APWU National Secretary-Treasurer as stated on the special jurisdiction referendum vote notice posted.
- C. When a consolidated facility is staffed with a majority of employees excessed from an existing local and the new facility is located within the zip code area of the established local or area local, the National Executive Board shall be empowered to designate the local affiliation of the consolidated facility, or shall decide whether or not there will be a jurisdictional referendum vote conducted.
- D. When the operation of an identified section within a Local is transferred permanently to an existing postal installation represented by a different Local, the gaining Local shall assume representation rights of the employees. When such transfer of employees is for a period of one (1) year or less, the losing Local shall continue representation pending return of employees to former installation. This right does not limit the opportunity of the affected Locals to agree to the designated representation.

The above provisions do not apply to the permanent relocation of a post office with an existing Local to a location within the geographical boundaries of a recognized Local. The National Executive Board reserves sole authority to determine representation status under such circumstances.

3. On the movement of employees into new installations not covered by the above, the jurisdiction shall be determined by the National Executive Board on a case-to-case basis.

Section 3: Addendums

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

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

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

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

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

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

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