

PART XII: LOCAL CHARTERS/JURISDICTION

1. Local Charter Application

In order to apply for a charter for a new CWA Local, there are certain forms and necessary information that must accompany the request.

New Local Checklist:

1. MLO-112, Application for Charter signed by 5 officers and/or members of the Local
2. District/Sector Approved Local Bylaws
3. MLO-111, Request for Certification to Employers for Dues Deductions (if applicable)
4. Request of Labor Bond coverage
5. IRS Employer Identification Number (obtained through www.irs.gov using the SS-4 form)
6. Local Officer Contact Information

For these, and all other forms, visit the CWA website, www.cwa-union.org under “For Locals” and click on “Forms.” Contact the CWA Headquarters Compliance Department for questions or additional information.

APPLICATION FOR LOCAL CHARTER (MLO-112)

Form MLO-112 is used when applying for a charter for a new CWA Local. It is also used when a charter is revised to reflect a change in employer name only. (See below for MLO-112 Instructions)

If the application for charter is to cover a group not presently part of an existing Local, no additional forms are required.

However, if the group to be chartered is part of an existing Local, a Form MLO-113, Waiver of Local Jurisdiction, must accompany a Form MLO-114, Expansion of Local Jurisdiction.

APPLICATION FOR LOCAL CHARTER – INSTRUCTIONS MLO-112

Article XIII, Section 2 of the CWA Constitution states:

“Application for Charter or change of jurisdiction shall be in writing upon forms provided by the Secretary-Treasurer of the Union and shall be signed by at least five individuals who are eligible for membership in the Local.”

The language setting forth the Local’s jurisdiction should be spelled out on the form as it should appear on the face of the charter. Below the signatures is a space to insert the date the form is signed.

Form MLO-112 is also used when a charter must be amended **to reflect a change in company name**. If the new Local is to include jurisdiction of an existing CWA Local, Form MLO-112 must be accompanied by Form MLO-113 "Waiver of Local Jurisdiction."

The District/Sector VP must complete the portion of the form applicable to their office.

New charters will be made effective on the first day of the month. If there is a preference in this respect, it should be so noted on the application form.

The original Form MLO-112 should be forwarded to the Vice President of the District or Sector. A copy should be retained for the Local’s files. The District/Sector office completes that portion of the form applicable to them and forwards the original, with the Vice President's recommendation, to the CWA Secretary-Treasurer. A copy of the MLO should be returned to the Local showing the District's approval.

Accompanying the charter application form should be the following:

1. A copy of the Local's District/Sector approved bylaws (be certain that they include the date of adoption).

2. Local Officer Information listing the names, addresses, phone numbers and email addresses of the Local officers. Every Local must have a minimum of President, (Executive) Vice President, Secretary, Treasurer or Secretary-Treasurer, as stated in the CWA Constitution. (The number of officers should conform to the number called for in the bylaws.)
3. Request for Labor Organization Bond coverage. (See Part XI of the UOPM.)

If the unit to be chartered requires a dues certification notice be sent to the employer by the Secretary-Treasurer, the dues certification request form, MLO-111, should accompany the charter application form.

It is requested the aforementioned items accompany the charter application. This will preclude repeated follow-ups by the International to secure the information.

In order for a set of bylaws to be drafted and to execute the group exemption form letter, a Local number must be assigned. This number may be secured by contacting the International Secretary-Treasurer's office.

If there is a preference as to the Local number, it should be kept in mind that Local numbers must be kept in their proper state sequence.

The charter application form and its accompanying material must be forwarded to the International Secretary-Treasurer from the District/Sector VP. Do not forward the form directly to the International. This will only delay the issuance of the Local charter.

If you have any questions, contact either your Vice President or the CWA Secretary-Treasurer.

For these, and all other forms, visit the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

2. Waiver of Local Jurisdiction

WAIVER OF LOCAL JURISDICTION (MLO-113)

Form MLO-113 is to be used when a Local waives all or part of its jurisdiction (either in favor of establishing a new Local or to waive jurisdiction to another Local) or if the Local is being recalled.

This form accompanies the MLO-112 when the waiver of jurisdiction is for the purpose of chartering a new Local.

Charters which are recalled, or where jurisdiction is waived, will have an effective date of the last day of the month.

If the jurisdiction to be waived is to become part of an existing Local, Form MLO-114, described below, must accompany Form MLO-113.

WAIVER OF LOCAL JURISDICTION – INSTRUCTIONS MLO-113

The CWA Constitution provides, in Article XIII, Section 3(b):

"Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected."

Form MLO-113 is to be used when a Local is waiving jurisdiction for any of the following reasons:

1. Waiving jurisdiction over a group because of decertification, the employer going out of business, inability to secure a contract, etc.
2. Waiving a portion of its jurisdiction to another CWA Local; or
3. Waiving its entire jurisdiction in order to merge with another CWA Local.

If the Waiver of Jurisdiction is requested under the conditions outlined in Number 1 above, no other forms are required.

If the waiver is requested under Numbers 2 or 3 above, Form MLO-114, Expansion of Local Jurisdiction, must accompany Form MLO-113, since both forms must be acted on together.

If two Locals merge for the purpose of forming a new Local, both Locals must submit the waiver form MLO-113 together with a charter application form MLO-112 for the new Local.

The original Form MLO-113 should be forwarded to the Vice President of the District or Sector. A copy should be retained for the Local's files. The District/Sector office completes that portion of the form applicable to them and forwards the original, with the Vice President's recommendation, to the CWA Secretary-Treasurer. A copy of the MLO should be returned to the Local showing the District/Sector's approval.

On the form, complete the Local number for which jurisdiction is to be waived and reason(s) for the waiver. Five signatures are required, two of which must be Local officers. Below the signatures is a space to insert the date the form is signed.

The Vice President's office fills in the date the waiver form is approved. Local waiving jurisdiction normally will have an effective charter date of the last day of the month indicated on the form.

If the waiver is for the purpose of recalling a Local charter, a terminal financial report must be filed with the Labor Department with a copy forwarded to the International for their records. The terminal financial report is OLMS Form LM-2 or LM-3, as appropriate. (See Part V for Federal Reporting requirements)

If you have any questions, your CWA Representative, Vice President or the International Secretary-Treasurer can be of assistance.

All forms are available on the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

3. Expansion of Local Jurisdiction

EXPANSION OF LOCAL JURISDICTION (MLO-114)

Form MLO-114 is to be used in the following instances:

When an existing Local wishes to expand its jurisdiction to encompass a group not previously assigned to a Local or to include a group over which jurisdiction is waived by an existing Local.

When the Local wishes to expand jurisdiction to include a unit waived by another Local, Form MLO-114 must accompany Form MLO-113.

All jurisdiction language on charters will begin with the words: "Over the work performed by employees eligible for Union membership who are employed by:" It will end with: "...and such other jurisdiction as may be assigned by the Executive Board of the Union."

The MLO-114 must have the complete, up-to-date jurisdiction typed on the form as it should appear on the expanding Local's new charter.

Unless there are extenuating circumstances, all new and revised charters will have an effective date of the first of the month.

All forms are available on the CWA website, www.cwa-union.org under "For Locals" and click on "Forms."

EXPANSION OF LOCAL JURISDICTION – INSTRUCTIONS

MLO-114

The CWA Constitution provides, in Article XIII, Section 3(b):

"Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected."

Form MLO-114 is for use when an existing CWA Local wishes to expand its assigned jurisdiction, such as:

1. To take in a group not presently assigned to another Local or a newly organized unit;
2. To take in a portion of the jurisdiction waived by another Local; or
3. To merge with another Local which is waiving their entire jurisdiction.

If the Local making application to expand its jurisdiction is doing so to include a group not previously assigned to a Local (Number 1 above), only Form MLO-114 is required.

If the Local is expanding its jurisdiction under the conditions set forth in Numbers 2 or 3 above, Form MLO-114 must be accompanied by Form MLO-113, Waiver of Local Jurisdiction.

The MLO-114 must have the complete, up-to-date jurisdiction language typed on the form as it should appear on the expanding Local's new charter.

Complete the information called for, citing the jurisdiction as it should appear on the charter. Five signatures are required, two of which must be Local officers. Below the signatures is a space to insert the date the form is signed.

The original Form MLO-114 should be forwarded to the Vice President of the District or Sector. A copy should be retained for the Local's files. The Vice President's office completes that portion of MLO-114 applicable to his/her office (i.e., date approved, by whom and effective date of the expanded charter which should be the first day of the month). If an effective date is not indicated, it will be assigned by the Secretary-Treasurer's office. The District/Sector office forwards the original, with the Vice President's recommendation, to the CWA Secretary-Treasurer. A copy of the MLO should be returned to the Local showing the District/Sector's approval.

If a Local is expanding its jurisdiction as a result of merger, a determination must be made by the Local officers as to whether they have sufficient Labor Organization Bond coverage to insure the combined assets of both Locals. See Part XI of the UOPM for further details.

If you have any questions concerning Form MLO-114, you may obtain assistance from your CWA Representative, the Vice President of your District or the CWA Secretary-Treasurer.

For these, and all other forms, visit the CWA website, www.cwa-union.org under “For Locals” and click on “Forms.”

4. Executive Board Policy on Jurisdictional Changes

Article XIII of the Constitution states that jurisdiction of a Local is assigned by the CWA Executive Board, Article XII, Section 3 - Jurisdictional Change states:

- (a) The Convention or the Executive Board by an affirmative vote of three-fourths (3/4) may change the jurisdiction of any Local.
- (b) Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected.

This, of course, was and is the mechanism by which Locals seeking to effectuate a jurisdictional change, i.e., a merger, must proceed. In order for such changes in Local jurisdiction to be effectuated, a vote must be taken in both Locals, the appropriate forms must be submitted to the International Union and the Executive Board of the Union or its agent must act to approve the change. This Part of the UOPM specifically sets forth instructions and contains the appropriate forms that must be completed and submitted to the International Union before any change in Local jurisdiction can be effectuated.

In 1958, the CWA Executive Board was asked to review and interpret these provisions of the Constitution in answering several questions placed before it. The questions addressed by the Executive Board were:

1. Whether a Local could waive (and another Local expand) jurisdiction over a portion of the Local such as a particular location or workplace;
2. Whether a Local could waive (and another Local expand) jurisdiction over an individual; and
3. Whether a Local could waive (and another Local expand) jurisdiction on a permanent or temporary basis.

The Executive Board interpreted the Constitution to permit waivers and expansions of a portion of the Local or of an individual. The Executive Board also interpreted the Constitution to permit waivers and expansions to be made on either a permanent or temporary basis. In answering all three of these questions in the affirmative, however,

the Board emphasized that such jurisdictional changes must be approved by the Union Executive Board or its agent.

Since at least 1958, any Local which then sought to effectuate a change in Local jurisdiction through the process of waiver/expansion was required to obtain a majority vote of those members voting by referendum as to whether the Local should waive (or expand) jurisdiction. This was and is true regardless of whether the waiver or expansion was over one member or over the entire Local. Moreover, any attempt to “rescind” a waiver or expansion which had been previously granted must also be supported by a majority vote of the membership of both Locals since such action is also a change in Local jurisdiction. Finally, it is clear that both Locals involved in a waiver/expansion of jurisdiction must take action in order for the change to be effectuated and that the change must be approved by the Executive Board or its agent.

As a result of consolidations, reassignments and transfers affecting members within our Union, questions concerning Local jurisdiction have arisen. Given that the original Executive Board interpretation on this subject was issued in 1958, the Executive Board has considered the entire matter once again. Based upon our review and consideration of these questions, we hereby reaffirm the policy and interpretation issued by the Executive Board in 1958.

Nonetheless, we recognize that some Locals have waived and expanded jurisdiction over portions of their Locals, and particularly over individuals, without the required majority vote of the membership. In that these actions were taken in complete good faith and that disruption and uncertainty would result if such actions were nullified, the Executive Board has decided to deem any waiver/expansion which was in effect as of August 1, 1993 as approved. Any waivers or expansions subsequent to August 1, 1993, however, must comply with the Constitution as interpreted in 1958 and reaffirmed in 1993.

Move that the Executive Board adopt the foregoing Policy on Jurisdictional Changes.

Adopted (9/13/93)

Article XIII, Section 3 of the Constitution states:

Locals may combine or waive jurisdiction by an affirmative vote of a majority of those voting by referendum in each Local affected.

The term “referendum vote” does not necessarily mean that a mail ballot must be conducted. However, if a vote is to be taken at a membership meeting, adequate notice that a vote is to be taken on a matter of Local jurisdiction should be given and every effort to encourage and allow the widest possible participation of the membership must be made. For example, extending the polling hours.

Both the “waiving” Local and the “expanding” Local must vote and any limitation as to the duration of the change must be stated. For example, if a waiver/expansion of a particular individual is sought in order to allow that individual to complete a term of office, that fact, as well as the expiration date of the waiver/expansion, should be specifically stated.

Any effort to “rescind” or “undo” the original waiver/expansion must also be voted on by the membership of both Locals since such action is itself a jurisdictional change.

The appropriate waiver and expansion forms must be completed and submitted to the National Union.

In a situation where one Local seeks to waive jurisdiction over a portion of the Local or over an individual, a vote by that Local is not sufficient to effectuate the change. The expanding Local must also vote to approve the change before it can become effective.

As always, any change in Local Jurisdiction is subject to the approval of the CWA Executive Board, or its agent.

5. Organizing Committees

Article IX, Section 5, of the CWA Constitution, as quoted below, authorizes the establishment of Organizing Committees:

"The Executive Board shall have authority to establish and dissolve organizing committees upon such terms and conditions as may be deemed for the best interest of the Union. Such organizing committees may be granted all of the rights and privileges of Locals under this Constitution. No organizing committee shall be granted jurisdiction which conflicts with that of any chartered Local of the Union."

This is a method whereby scattered units in a specified area are brought into CWA and eventually assigned to a regularly chartered Local or become chartered Locals in their own right.

If a determination is made that an Organizing Committee would serve a useful purpose in a given area, the Vice President in the District/Sector should set in motion the following procedure:

In a memorandum to the International President, outline:

1. The purpose of the Organizing Committee.
2. The exact jurisdiction language as it is to appear on the face of the charter.
3. The Organizing Committee number requested to be assigned.
4. The name and address of the Chair of the Organizing Committee (generally a staff person).

A copy of the memorandum should be sent to the Secretary-Treasurer so his/her office will be alerted to the fact that a new Local is pending.

The International President will make the decision regarding the Vice President's request. Once appropriate action has been taken by the President's office, all concerned parties will be advised, in writing, of the final disposition.

If approved, the Secretary-Treasurer's office will then issue a charter and associated paperwork and add the Chair to the Local President's mailing list.

The Chair of the Organizing Committee will be responsible for requesting an Employer Identification Number from the IRS. www.irs.gov.

The Organizing Committee Chair may or may not be required to file annual LM reports (Public Employee Locals do not need to file with the DOL). The Chair will be required to file, annually, IRS Form 990, or E-card 990N, due by the fifteenth day of the fifth month after the fiscal year ends.

The Chair of the Organizing Committee is responsible for performing all Local officer functions, as if the Organizing Committee were a regularly chartered Local.

While the foregoing briefly summarizes the subject of Organizing Committees, other assistance or answers to specific questions may be obtained from appropriate International officers or departments.