

Dairy Workers Association Inc.

Constitution and By-Laws

Article I – Name

This Organization shall be known as Dairy Workers Association

The Dairy Workers Association is recognized by the National Labor Relations Board, the U.S. Department of Labor, and the New Jersey Department of Labor as a Qualified Labor Union. Heretofore known as the DWA and/or the Union.

Article II – Purpose

The purpose of this Organization is to improve and/or to maintain wages, benefits, working conditions and safety concerning its members and their employment by negotiating with employers concerning grievances, labor disputes, wages, hours of employment through collective bargaining.

Article III – Members

Only employees of the Cream-O-Land Dairy, or any successor company, shall be eligible for membership in the Organization. Only members in good standing shall have the right and be eligible to make or second any motions, or to vote on any union business including the election of officers. Members shall have the right to review the financial records of the Union, propose and vote on changes to the By-Laws and budget. They shall have the right to representation in the event of disciplinary action. They shall have the right to suggest changes to the collective bargaining agreement and vote on said modifications. In addition, there are rights granted to members of all labor unions by the United States Department of Labor. A member's good standing requires that the member be current on his/her dues.

Article IV – Officers and Agents

A. The officers of the Union shall consist of the President, Vice-President, Treasurer and Recording Secretary. Officers shall be elected and serve for a term of three years. Officers shall be members of the Executive Board. Elections shall be held in November. The new officers shall take over their perspective duties on January 1st of the following year.

B. A Board of Trustees will consist of three members elected every three years. All elected trustees will serve on the Executive Board and must fulfill their duties in accordance with the requirements of the Constitution and By-Laws.

C. A Sargent of Arms shall be elected for a three-year term. His/her duties are to maintain order at all union meetings whether regular scheduled, special, or emergency. Duties also to include those designated by the President.

D. The membership shall also elect on each shift the following positions: School Driver Steward, Wholesale Driver Steward and two (2) Warehouse/ Cooler Stewards. These positions shall also be elected for a three-year term in _____.

E. In the event that any elected steward or trustee cannot fulfill their three-year obligation a replacement will be appointed by the Executive Board and agreed upon by the general membership at the next scheduled meeting.

1). All elected officers shall be paid a salary, which has been determined by the general membership. All elected officials shall be reimbursed their union dues at quarterly intervals.

2). Any increases to this salary shall be approved by the general membership at any sanctioned union meeting.

3). No officer or trustee shall hold more than one position simultaneously.

Article V – Duties of Officers

- A. The President shall be the executive head of the Organization and have charge of all the business pertaining thereto. He/she shall preside at all the meetings.
- B. The Vice-President shall take the place of the President in the event of his/her absence, removal, or resignation before the termination of his/her term, and perform such other duties as designated by the President.
- C. It shall be the duty of the Treasurer to collect all funds that are not directly deposited to the Union's bank accounts and keep a record of all union funds. He/she shall pay all reasonable and authorized expenses and make an accurate monthly report of the financial affairs of the Union. All regular bank accounts or any special accounts are required to have (2) two signatures for withdrawals or payments. He/she must keep accurate records of all finances related to the Union. Copies of which will be available to the Executive Board and to all other union members in good standing. He/she shall perform such other duties as designated by the President.
- D. It shall be the duty of the Recording Secretary to keep full and accurate minutes of the Executive Board and General and Special Membership meetings. He/she shall also perform other duties as the President and Vice-President may direct. The Recording Secretary shall also post union notices and keep a record of such postings and maintain a seniority list and post it.
- E. It shall be the duty of the Trustees to ensure that the Officers are conducting union business in a forthright and legal manner as per the U.S. Department of Labor and the Constitution and By-Laws of this Union. It shall also be the responsibility of the Trustees to oversee elections from nominations through ballot counting, as well as administering head counts at meetings or special votes.
- F. The Officers and the Board of Trustees shall constitute the Grievance Committee. The Committee shall have authority for the handling and disposition of all grievances. The President shall chair the Grievance Committee.
- G. It shall be the responsibility of the Officers to maintain the overall purpose and goals of the Union through communication and representation. All representatives must attend a minimum of 75% of all regular scheduled or special meetings, or

- H. they forfeit their positions. If any board member misses or fails to uphold his/her duties for three (3) consecutive meetings, he/she shall be removed from his/her position. In this event an appointment to fill the vacated position will be made by the Executive Board upon recommendation of the President.

Other Representatives

Shop Stewards shall be responsible for the day-to-day handling of any immediate problems between union members and company personnel. The steward will assist the President by identifying and assisting in the signing of the eligible members of that steward's shift. He/she shall also inform new members of his/her rights to a copy of the collective bargaining agreement and a copy of these By-Laws. He shall also inform new members as to the time and place of the next Union meeting.

Article VI – Meetings

1. Regular meetings shall be held monthly at such time and place as shall be designated by the President and recorded in the minutes.
 2. Meetings shall be conducted in accordance with parliamentary procedure set forth in Robert's Rules of Order. A Sergeant of Arms will be appointed at each meeting for the purpose of maintaining order.
- C. The President may call a special meeting at a time for any time for any stated purpose with (24) hour notice.
- D. A special meeting may also be called by a petition of twenty-five members directed to the President or Secretary who shall then convene a meeting as soon as reasonably practical. Such petition shall state the purpose for which the special meeting is called.

Article VII – Member Dues

- A. An initiation fee of \$50.00 (which can be paid in weekly installments) shall be required of each new member after 30 days of his/her hiring.
- B. All Union members shall pay regular weekly dues of \$8.00, and dues shall be due and collected by the Union 52 weeks per year. Members out on workman's compensation or Disability and school drivers on summer lay-offs will be exempt from dues during those periods.
- C. All other forms of leave where no paycheck was received and therefore no deduction made for Union dues will be due upon their return to work. This includes members that have left work voluntarily (quit their job), and those who had been terminated and return to active duty.
- D. An initiation fee will be applied and any or all "back" dues paid to bring back member to "good standing" status, unless waived by the Union as to length of time away from this Union.
- E. Any changes to the amounts of monies collected for dues must be made in accordance with the amendments section of this Constitution and By-Laws.

Article VIII – Elections

- A. Elections for Officers and Trustees shall be held in November at a date to be determined in the fall proceeding the signing of the Collective Bargaining Agreement and every three years thereafter.
- B. An Election Committee will be chosen six (6) months prior to any regular election. The Election Committee shall consist of a minimum of three (3) people.
- C. In order to be nominated, the member must be a member in good standing with the Union for a minimum of 6 months prior to the election and must have attended the lesser of 50% or at least three (3) meetings in the year prior to the election.

- D. Any member in good standing may nominate themselves and/or any other member and a member in good standing must second all nominations.
- E. Nominees must be present and accept or decline at the nomination meeting except members may nominate themselves with a signed statement presented to any Officer within seven (7) days prior to the nominations meeting. However, any member in good standing at the meeting must still second the nomination.
- F. Write-ins are only available for positions with candidates running unopposed or with positions that have no candidates. If elected, write ins will have 72 hours to accept the position to which he/she has been elected.
- G. Where a position cannot be filled through the election process, the President shall nominate a member in good standing to that position and the Executive Board shall approve or reject such nomination.
- H. Elections shall be held by secret ballot conducted by the Election Committee and overseen by the Trustees in accordance with Department of Labor Standards and the Constitution and By-laws of this Union.

Article IX – General Provisions

- A. A quorum to conduct business for regular scheduled meetings shall consist of seven members including at least two Officers.
- B. This Constitution and By-Laws shall be amended in the following manner.
 - (1) A written amendment signed by five (5) members shall be presented to the Secretary at or before a scheduled meeting where it shall be read aloud and discussed but not voted on.
 - (2) At the next scheduled meeting, the proposed amendment shall be read again, discussed again if necessary, and voted upon. Amendments shall be valid if passed by two-thirds of those present.
 - (3) If proposed amendment fails to achieve the necessary number of votes to pass. It cannot be offered again for a minimum of ninety (90) days or more than twice in a single year.
- C. The Contract Negotiations Committee shall not consist of less than three (3) nor more than six (6) members.

(1) The committee shall consist of some or all of the Officers. In addition, at least one member from any department not represented by Officers will be elected to be part of the committee.

(2) The negotiated collective bargaining agreement must be ratified by the membership at a scheduled or special meeting before it goes into effect. Ratification requires a simple majority in favor by those present.

D. Each year's first meeting shall include a proposed budget for that year including anticipated income and normal operating expenses as well as determining what should be done with possible surpluses or deficits. In addition to a monthly statement, the Treasurer will prepare a statement once a year as to the financial condition of the organization to be presented at a Union meeting.

E. The Union shall make all reasonable efforts to negotiate seniority rights, based on date of hire, in the case of route bids, layoffs, overtime, vacation and transfers in the collective bargaining agreement.

F. Any expense exceeding one hundred (\$100.00) dollars must be pre-approved by majority vote at any scheduled or special meeting.

G. Any member that retires or is placed on permanent disability or is permanently discharged will no longer be a member of the Dairy Workers Association.

L. The Dairy Workers Association reserves the right to invite any former members to any social event that they may decide.

Article X – Removal Officers/Members

A. In the event any member or officer is accused of improper conduct or disloyalty to this organization, he/she shall be tried in the following manner.

(1) Detailed charges shall be prepared by any member and presented to the Secretary or President in the event the Secretary is accused.

(2) The Secretary shall send a copy of the original charges by certified mail, return receipt requested, to the last known address of the accused member within three (3) business days or hand them to the member personally.

(3) Thereupon the Secretary shall notify the President who shall call for a special meeting if one is not already scheduled. The membership at such meeting shall elect three (3) members to serve as the trial board.

(4) Prior to the meeting, the Executive Board shall decide if the accusations are enough to require a trial. If a trial is warranted, the accused members must be present at trial.

(5) The President at the meeting shall designate one member of the organization to read aloud the charges and read the article or paragraph of the Union Constitution and By-Laws that were allegedly violated. The accused member shall have the right to elect a member in good standing to help him/her present his/her defense. The President shall allot the accused ample time to consult with his/her aide.

(6) The Trial Board shall report its decision, if discipline is recommended, to the membership at a meeting and the membership shall then vote whether to accept or reject the trial board's decision.

(9) If not guilty, no action is necessary, and no repercussions shall be allowed nor tolerated by either side.

Article XI-Constitution and By-Law Amendments

This Constitution and By-Laws shall be amended in the following manner:

(1) A written amendment signed by five (5) members shall be presented to the Secretary at or before a scheduled meeting where it shall be read aloud and discussed but not voted on.

(2) At the next scheduled meeting, the proposed amendment shall be read again, discussed again if necessary, and voted upon. Amendments shall be valid if passed by two-thirds of those present.

(3) If proposed amendment fails to achieve the necessary number of votes to pass. It cannot be offered again for a minimum of ninety (90) days or more than twice in a single year.

President

Vice President

Secretary

Treasurer