

## ‘In conflict’



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**I**n my July article, I wrote that I would provide more insight on submitted bylaws that have been denied because they were found to be “in conflict.” Those of you who have seen those two words in your response letter from the Committee of Laws know exactly what I was referring to. In fact, I have had quite a few conversations with members seeking clarification on what they did wrong.

You, or the committee, have been tasked with updating the branch or state bylaws. You have followed the *NALC Constitution* to the best of your ability, only to get a “thumbs down” from the Committee of Laws.

As the chair of the committee, I can assure you that we are not making decisions based on our personal preferences or dislikes. Article 11 of the *Constitution* states in relevant part (emphasis added) about the duties of the Committee of Laws: *The proposed by-laws of all subordinate Branches and state associations, except those fixing the time and place of meetings, and the amount of initiation fees, and dues, and reinstatement fees, shall be submitted for approval by this Committee. If they do not conflict with the constitution or laws of this association, such by-laws shall be approved.*

So, you see that it doesn’t matter how we feel about what you submit or our personal opinions; as long as it’s not in conflict with any parts of the *Constitution*; it *shall* be approved. Likewise, it doesn’t matter if the proposed bylaw or amendment is the desire of a branch or state association; if it’s in conflict, it will *not* be approved. This is stipulated in Article 15 of the *Constitution*: *Each Branch or State Association may make, alter, or rescind such by-laws, rules and regulations from time to time as may deemed most expedient, providing they do not in any way conflict with this Constitution.*

Literally, we are *constitutionally* required to make sure that bylaws submitted for approval are not in conflict with the constitutions. This is why we ask for a current copy of the branch or state bylaws when changes are made. Often, we will find conflict in previously approved bylaws because they haven’t been updated, and subsequent changes were made to the *Constitution* by the members at a national convention. Such changes could require amendments to your bylaws. Or there may be a provision in your bylaws that

has been clarified by a national president, past or present, since its inception. Just because it’s been in your bylaws since “forever” does not mean that it can remain.

**The following are the most common items that we have denied** since I have been on the Committee of Laws, simply because they conflicted with the *NALC Constitution*.

**The officers of the branch**—This is found in Article 4, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. This is not surprising, considering there was a change to this at the national convention in Chicago last year. Now, every branch must have a Mutual Benefit Association (MBA) representative along with the other required officers of the branch. If any of those listed positions are not among the elected officers, then you are “in conflict.” Even for smaller branches, this may require some of these positions to be combined, but the duties need to be accounted for in the bylaws.

**Branch funds/spending the branch money**—This is in Article 12, Section 3 of the *CGSFB*. We consistently find proposals that would allow the president, executive board or another officer to authorize the spending of branch funds. This is a no-no! “No appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.” Officers may be allowed to spend the branch money between meetings, but this is limited to *emergencies* and to an amount specified in the bylaws. Of course, this is outside the allocation for recurring bills, reimbursements or compensation.

**Sick relief and funeral benefits**—This falls under the “it has been in our bylaws forever!” category. Article 8 of the *CGSFB* covers this. Whereas it states that branches may “make provisions in their by-laws for the payment of sick relief or funeral benefits,” it can’t make it mandatory for members to pay for it. Using the general fund to pay for such a program is essentially making it mandatory for all the members to finance. This was a clarification or ruling provided by President Sombrotto. So, when we receive bylaws and see any reference to automatically providing flowers or payment out of the general fund, it is flagged for being in conflict. Branches can still send flowers or donate to a charity upon the death or illness of a member or their family, but it must be the will of the membership in attendance and voting at a regular meeting (remember Article 12.3?).

**I hope that this has been helpful for those working on proposals or amendments.** We will be going over this and more at the secretary-treasurer trainings in San Antonio and Pittsburgh in September and October. If you have any questions before then, you can just give me a call.