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July 14, 2014

Rosemary Chiavetta, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Re: Robert T. Whalen (represented by Utility Workers
Union of America System Local 102) v. West Penn
Power Company
Docket No. C-2014-2404308

Dear Secretary Chiavetta:

Enclosed for filing please find the Second Amended Formal Complaint of Complainants
in the above-referenced proceeding.

The document was filed electronically with the Commission on this date.

Sincerely,



Enclosure

cc: All parties of record
Katrina L. Dunderdale, Administrative Law Judge

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Utility Workers Union of America	:	
System Local 102, and Robert T.	:	
Whalen, Complainants	:	
	:	
v.	:	Docket No. C-2014-2404308
	:	
West Penn Power Company,	:	
Respondent	:	

SECOND AMENDED FORMAL COMPLAINT

1. Complainant Utility Workers Union of America System Local 102 (“UWUA”) is the authorized collective bargaining representative for certain employees of West Penn Power Company (“West Penn”). UWUA can be contacted in care of its President, Robert Whalen, at 203 Reservoir Road, Mount Pleasant, PA 15666.
2. Complainant Robert T. Whalen is a residential customer of West Penn, residing and receiving electric service at 203 Reservoir Road, Mount Pleasant, PA 15666.
3. Complainant Whalen is an employee of West Penn, a member of UWUA, and the President of UWUA Local 102.
4. Complainant Whalen authorizes UWUA to represent his interests in this proceeding.
5. Complainants will be represented in this case, and all documents should be served upon, their attorney:

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(Pa. Supreme Court ID: 34536)

6. Counsel consents to the service of documents by electronic mail at the email address listed above, as provided in 52 Pa. Code § 1.54(b)(3).

7. West Penn is a public utility providing electricity distribution service to the public pursuant to authority and tariffs issued by the Pennsylvania Public Utility Commission. On information and belief, Complainants believes that West Penn's Utility Code is 111250.

8. UWUA brings this complaint in its representative capacity on behalf of Complainant Whalen and hundreds of members of UWUA who are residential customers of West Penn, many of whom are also employees of West Penn.

9. Complainants bring this Complaint against West Penn in order to bring to the Commission's attention serious, repeated, and apparently willful violations by West Penn of the Commission's regulations for reading residential meters.

10. Complainants bring this good-faith report of wrongdoing to the Commission with the understanding and expectation that the West Penn employees who have first-hand knowledge of these violations, and who are members of UWUA, will be protected against retaliation by West Penn under the provisions of 66 Pa. C.S. § 3316 (Protection of public utility employees).

11. The Commission's regulations require a utility that bills monthly to read residential meters at least once every two months, unless certain exceptions apply. 52 Pa. Code § 56.12.

12. West Penn bills its residential customers monthly.

13. At least since January 2013, and possibly for several months prior to that date, UWUA states on information and belief that West Penn has consistently and willfully failed to comply with the requirements of 52 Pa. Code § 56.12 for thousands of residential customers.

14. UWUA states on information and belief that West Penn routinely estimates bills for thousands of residential customers three, four, or even five consecutive months when there are no exigent circumstances and no problems with utility personnel gaining access to the customer's meter.

15. UWUA states on information and belief that West Penn fails to read meters as required because it has failed to fill vacant meter-reading positions and has otherwise failed to properly staff its meter reading function. That is, West Penn has made a business decision to save the expense of hiring additional meter readers and instead issue numerous consecutive estimated bills to residential customers in violation of the Commission's regulations.

16. Complainant Whalen received nine estimated bills during 2013. Specifically, he received estimated bills for the months of January, February, April, June, July, August, October, November, and December 2013.

17. In the first six months of 2014, Complainant Whalen received four estimated bills. Specifically, he received estimated bills in February, April, May, and June 2014.

18. Complainant Whalen states that during the months when he received estimated bills, there were no problems gaining access to read the meter on his property and no adverse weather conditions that would have made it unsafe for West Penn personnel to read his meter.

19. As summarized more fully below, Complainant UWUA has standing to bring this complaint in its representative capacity on behalf of Complainant Whalen and hundreds of its members who are residential customers and employees of West Penn.

A. Complainant Whalen and numerous other members of UWUA are suffering or have suffered immediate, threatened, and past injuries as a result of West Penn's failure to comply with the Commission's regulations, such that these UWUA members would have standing to sue in their own right in this matter;

B. The interests UWUA seeks to protect in this matter are germane and indeed central to UWUA's organizational purposes;

C. Neither the claims asserted nor the relief requested in this matter require the participation of individual UWUA members;

D. The numerous UWUA members injured by West Penn's violations of the Commission's regulations would be unable to adequately protect their interests by pursuing individual claims before the Commission;

E. Allowance of the UWUA's representative complaint will aid the Commission in developing the facts necessary for a proper disposition of these proceedings, due to the hundreds if not thousands of individual complaints that would otherwise be necessary to resolve West Penn's massive, widespread violations of the Commission's regulations.

20. The Bylaws of Complainant UWUA establish as core objectives that the organization shall “protect, maintain and advance the common interests” of its members; secure legislation favorable to UWUA members; safeguard the economic security and social welfare of workers in the utility industry; and “protect and extend our democratic institutions and civil rights and liberties and thus to perpetuate the cherished traditions of our democracy.” More specifically, Article II of the Bylaws of Complainant UWUA provides in relevant part:

The objectives of this organization shall be . . .

- B. Through united action, to protect, maintain and advance the common interests of the members, to create better working conditions, to promote higher standards of living, and to secure legislation favorable to the members.
- C. To secure legislation safe guarding the economic security and social welfare of the workers in the industry, to protect and extend our democratic institutions and civil rights and liberties and thus to perpetuate the cherished traditions of our democracy.

A true copy of the Bylaws of Complainant UWUA is attached hereto as Appendix A.

21. The Bylaws of Complainant UWUA further provide that UWUA System Local 102 shall be affiliated with the Utility Workers Union of America (hereinafter “UWUA National Union”), and must conform to the UWUA National Union’s Constitution and Bylaws.

22. The UWUA National Union’s Constitution provides that the UWUA’s core purposes include a commitment to protect the interests of UWUA members and their families, as well as the interests of consumers, communities, and other members of the public in the provision of utility services, specifically by participating in regulatory and

other proceedings in order to promote “reliable, safe and environmentally sound utilities at affordable, just and reasonable costs.”

23. Indeed, the Preamble to the Constitution of the UWUA National Union provides in relevant part:

PREAMBLE

The Utility Workers Union of America, AFL-CIO is an organization of members united by the belief in the dignity and worth of workers and by an understanding of the necessity and value of the services we provide to the public for their health and wellbeing. We are dedicated to improving the lives of our members and their families and to enhancing the quality of life in our communities.

* * *

To accomplish these goals, we commit to . . .

- Participate in regulatory, legislative, legal and electoral proceedings to protect the interests of consumers and the public (including our members) in reliable, safe and environmentally sound utilities at affordable, just and reasonable costs.

Compliance with the National Constitution should become the personal interest of every member of our union. Every local union officer should consider the National Constitution in connection with union matters as seriously as the law of the land in daily life. This is the lifeblood of the organization. ...

A true copy of the Preamble to the current UWUA National Union Constitution is attached hereto as Appendix B.

24. In addition, successive Constitutional Conventions of the UWUA National Union have adopted resolutions affirming and implementing the National Union’s long-standing commitment to advocate on behalf of consumers and other members of the public – including on behalf of UWUA members in their respective roles as utility workers and as consumers – for the delivery of safe, reliable, and affordable utility

services. These resolutions have specifically provided for the UWUA National Union and its Local Unions to intervene in regulatory proceedings such as the instant matter.

25. For example, the Twenty-Ninth Constitutional Convention of the UWUA National Union in June 2011 adopted Resolution R-21, “Utility Regulation for Workers and Consumers.” Resolution R-21 provides in part as follows:

UTILITY REGULATION FOR WORKERS AND CONSUMERS

WHEREAS, the utility business – electricity, natural gas and water – is uniquely and heavily regulated by government.

* * *

WHEREAS, regulation provides essential protections for the public. Residential and business consumers and other stakeholders are able to participate in public proceedings that determine utility rates and service quality standards. These proceedings also determine the conditions under which utility employees work, including health and safety and even the continued existence of the jobs themselves; and

WHEREAS, regulatory proceedings, especially before state utility commissions, provide opportunities for our union to have a say in matters that affect our jobs, our families and our communities. The Utility Workers Union of America and many of its local unions have long experience in participating in such proceedings. We have taken the lead in defending high standards of customer service, public safety and reliability.

...

Now, THEREFORE, BE IT RESOLVED, that participation in regulatory proceedings affecting our members, our families and our communities is a key function for every level of our union. The Utility Workers Union of America’s regulatory interventions should be guided by a consistent set of principles, including:

1. Access to safe, reliable and affordable utility service is the right of every American.
2. To help ensure this service, utility revenue requirements approved by regulatory bodies should provide for adequate staffing and fair levels of employee compensation.
3. The right of all stakeholders, including utility workers and their

representatives, to participate fully in all regulatory proceedings must be protected.

4. Preservation of state regulatory jurisdiction is essential to providing accessible venues for protecting consumer and worker interests; and

BE IT FINALLY RESOLVED, that the Utility Workers Union of America's National Officers and National Executive Board shall implement these principles by:

1. Developing and implementing regulatory strategies for promoting union goals, such as job safety, job preservation, organizing and blocking the contracting out of UWUA work.
2. Working with community, labor, consumer, environmental and industry groups whenever possible to advance common goals.

A true copy of Resolution R-21 is attached hereto as Appendix C.

26. The Twenty-Eighth Constitutional Convention of the UWUA National Union in June 2007 adopted a substantially similar resolution, R-12, which in addition specifically resolves for the National Union to assist its "local unions in evaluating, preparing and conducting regulatory and legislative interventions" in support of the UWUA's goal of advocating on behalf of both workers and consumers for safe, reliable, and affordable utility services. Resolution R-12 also commits the organization to appear "before state and national legislative and regulatory bodies to promote UWUA principles and interests." A true copy of Resolution R-12 is attached hereto as Appendix D.

27. In addition, the Twenty-Eighth Constitutional Convention of the UWUA National Union also adopted Resolution R-13, "Quality of Service Standards for Utility Companies." Resolution R-13 affirmed the UWUA's core commitment to advocate on behalf of both consumers and workers for electric, water, and gas utility services as "a right that should be available to every citizen," and furthermore to take appropriate action to encourage regulators and other policy-makers "to adopt and enforce measures for

quality of service by utilities, including meaningful standards and significant penalties for non-compliance.” Resolution R-13, states in part:

**QUALITY OF SERVICE STANDARDS
FOR UTILITY COMPANIES**

* * *

WHEREAS, policy makers, legislators and regulators need to focus on and pay close attention to the establishment of meaningful quality of service standards, which will require utility companies to insure the safety of the general public and employees, to provide safe, reliable, affordable and accessible energy and water; and insure that the infrastructures are maintained and upgraded, and that services and goods are top quality and available to insure the continued reliability of the infrastructures,

THEREFORE BE IT RESOLVED, that the Utility Workers Union of America call upon federal and state legislators and regulators to adopt and enforce measures for quality of service by utilities, including meaningful standards and significant penalties for non-compliance; and

BE IT FURTHER RESOLVED, that the Utility Workers Union of America is committed to the safe and reliable delivery of electricity, water and gas to all individuals and businesses in our nation.

A true copy of Resolution R-13 is attached hereto as Appendix E.

28. Allowing the UWUA’s representative complaint will aid the Commission in developing the facts necessary for a proper disposition of these proceedings, due to the hundreds if not thousands of individual complaints that would otherwise be necessary to fully resolve the issues raised by West Penn’s numerous, repeated, and apparently willful violations of the Commission’s regulations for reading residential meters.

29. For example, in May 2014 the West Virginia Public Service Commission found that West Penn’s affiliated utility companies, Monongahela Power Company and Potomac Edison Company, had improperly failed to read residential customers’ meters at least every other month on many thousands of occasions, in part due to policies and

practices adopted by parent company FirstEnergy following its 2011 merger and acquisition of Allegheny Energy. According to the West Virginia PSC's decision, Mon Power and Potomac Edison conducted estimated meter reads on consecutive months for approximately 10% of their residential customers as recently as January, February, and March of 2014. *See Monongahela Power Company and Potomac Edison Company*, Case No. 13-0830-E-GI, Findings of Fact ¶¶ 5, 8 (WV PSC, May 28, 2014), 2014 W. Va. PUC LEXIS 1025.

30. Complainants believe that the same or similar policies and practices adopted by FirstEnergy for West Penn's residential customers in Pennsylvania following the Allegheny Energy acquisition have resulted in similar, widespread violations of the Commission's regulations for reading residential meters. If West Penn has a similar non-compliance rate (10%) as its sister companies in West Virginia, there would be tens of thousands of West Penn customers who could file complaints with the Commission during any given three-month period.

31. It would be impractical, unnecessary, and an extreme burden on the Commission's scarce resources to litigate these thousands of individual complaints, or to encourage their filing by withholding representational standing to UWUA, which represents hundreds of West Penn's residential customers. To the contrary, allowing UWUA's representative complaint will aid the Commission in developing the facts necessary for a proper and efficient disposition of these proceedings.

32. As specified below, Complainant UWUA does not seek monetary damages on behalf of its individual members, but instead seeks relief in the form of civil penalties and

other prospective relief to ensure that West Penn complies with its obligations under the Commission's regulations protecting residential consumers.

Requested Relief

A. Complainants bring this Complaint against West Penn pursuant to Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, to seek a civil penalty against West Penn in the amount of \$1,000 for each and every violation of 52 Pa. Code § 56.12, that occurred during the three years prior to the initiation of this proceeding.

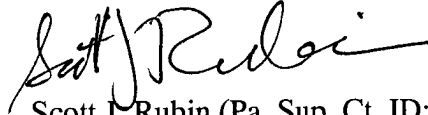
B. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to order West Penn to ensure that it has a sufficient number of meter readers in each portion of its service area so that it can "render bills based on actual meter readings by public utility company personnel" as required by 52 Pa. Code §56.12.

C. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to require West Penn to issue quarterly reports to the Commission and Complainants that show the number of repeat estimated bills and provides detailed explanations for any such repeated estimates, along with the measures being taken to eliminate the reasons for such repeated estimated bills.

D. Complainants respectfully request the Commission to exercise its authority under 66 Pa. C.S. §§ 501, 1501, and 1505 to take such other actions as may be necessary

to ensure that West Penn complies with the meter reading requirements contained in 52 Pa. Code §56.12.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott J. Rubin". The signature is fluid and cursive, with the first name "Scott" and last name "Rubin" clearly distinguishable.

Scott J. Rubin (Pa. Sup. Ct. ID: 34536)
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Counsel for Complainants

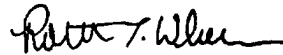
Dated: July 14, 2014

VERIFICATION

I, Robert Whalen, hereby state that the facts set forth in the Amended Formal Complaint are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date:

7/9/14



Robert Whalen

Article I
Name and Affiliation

This organization shall be known as System Local No. 102 of the Utility Workers Union of America, AFL-CIO. This System Local No. 102 shall be affiliated with the Utility Workers Union of America (National Union) and the State AFL-CIO, Federation and the Branch Locals shall be affiliated with their Central Labor Council.

Article II
Objectives and Jurisdiction

The objectives of this organization shall be:

- A. To unite in this industrial local union regardless of race, creed, color, sex, national origin, age, religion, disability, sexual orientation, all workers eligible for membership employed in and around energy, electric, gas, steam, water, telecommunications, generation, service, and related industries and organizations, including entities that are successors, subsidiaries, affiliates, mergers and acquisitions, of employers whose employees are represented by this Union.
- B. Through united action, to protect, maintain and advance the common interests of the members, to create better working conditions, to promote higher standards of living, and to secure legislation favorable to the members.
- C. To secure legislation safe guarding the economic security and social welfare of the workers in the industry, to protect and extend our democratic institutions and civil rights and liberties and thus to perpetuate the cherished traditions of our democracy.
- D. To establish and maintain among our members that spirit of understanding and loyalty that will guarantee the rights of others being respected and which will provide for each member the cooperation and protection to which he/she is justly entitled.
- E. To establish and maintain friendly relations in so far as is possible between the union and the company.

Article III
Organization

1. This Union shall consist of a limited number of Branch Locals as determined by the System Executive Board. New groups may be established as separate locals, or incorporated into existing locals by approval of the majority of the membership voting of said existing Branch Local. Two or more existing locals may initiate merger proceedings to facilitate administration and accomplish proper collective bargaining. Appeals may be taken under this section to the entire membership and all branch locals.
2. All Branch Locals shall be known by name: Utility Workers Union of America, Branch Local 102, and their assigned letter.
3. All Branch Locals shall be chartered by the National Union.
4. No Local can be dissolved as long as there are ten (10) members in good standing willing to maintain it, or unless the majority of the members in good standing vote to dissolve or merge with another local.

Article IV
System Officers

1. System Officers shall consist of President, Secretary-Treasurer, and seven (7) Area Vice-Presidents. System Area Vice-President shall be a member of one of the Branch Locals within the area he/she represents. There shall be a System Area Vice-President representing Area A, which shall consist of St. Marys and State College; one System Area Vice-President representing Area B, which shall consist of Butler, Armstrong / Clarion / Kittanning / Springdale, and Arnold; one System Area Vice-President representing Area C, which shall consist of Uniontown / Pleasant Valley / Connellsville, and Cumberland / Oakland; one System Area Vice-President representing Area D, which shall consist of Charleroi / Jefferson, Boyce / Washington / McDonald and Cabin Hill / Greensburg / Latrobe; one System Area Vice-President representing Area E, which shall consist of Hatfield / Lake Lynn and Mitchell; one System Area Vice-President representing Area F, which shall consist of Waynesboro / McConnellsburg, Hagerstown, and Martinsburg / Berkeley Springs / Meadowbrook); one System Area Vice-President representing Area G, which shall consist of Frederick / Mt. Airy / Thurmont, Eastern Shore Gas (Q-II) and One of the System Area Vice-President shall be elected as System Executive Vice-President from

among and by the System Area Vice-Presidents at the January Executive Board meeting or on an as needed basis when the Area Vice-Presidents who are members of the System Executive Committee change.

2. System President, System Secretary-Treasurer, and System Vice-Presidents will be elected for a four (4) year term. *(As a reference, elections for System President and System Vice-Presidents, Area B and D will be held in year 2013. Elections for System Secretary/Treasurer and System Vice-President, Area A and C will be held in year 2015. Elections for System Vice-Presidents Area E, F and G will be held in year 2014. Elections to be held in September and successful candidates to take office in November of elected year.)*
3. No System Officer can hold more than one elected office concurrently and no one shall be eligible to a System Office who has not been a member in good standing for at least two (2) years.

4A. *System Executive Committee*

The System Executive Committee shall consist of the System President, System Secretary-Treasurer and the System Vice-Presidents. The Committee shall meet at the call of the President at regular intervals between the regular Executive Board meetings. These meetings shall normally be held every two months for consultation and to transact necessary business.

Regular or special meetings may be called by the President to screen proposals submitted by the Branch Locals, prepare for negotiations or conduct urgent business in their jurisdiction.

4B. *Contract Negotiating Committee*

The Contract Negotiating Committee shall consist of the System President, System Secretary-Treasurer, and three of the System Area Vice-Presidents, plus whatever help the committee may request for the successful pursuance of said negotiations. The three System Area Vice-Presidents shall be selected at large by the System Executive Board. These selections shall be representative of the different employees working groups, (i.e. one VP from power stations, one VP from stores and support, one VP from division operations, these three VPs shall be selected and approved at the November Executive Board meeting). The System Negotiating Committee shall meet in conference at the call of the President and shall have full authority to negotiate wages and other matters. In no case shall any committee meet in conference with the company with regards to wages, working conditions, etc., without the call of the President. Any agreements made must be concurred in by the Majority of the negotiating committee, subject to majority ratification by the voting members involved.

4C. *System Joint Conference Committee*

The System Joint Conference Committee shall consist of the System President, System Secretary-Treasurer, and the System Vice-President concerned and whatever additional assistants the President deems advisable.

5. All members of the Executive Committee shall submit a monthly report of their day by day union activities and expenses broken down as to wages, mileage, meals, lodging, and incidental expenses. This report is to be made to System Secretary-Treasurer who will send a copy to all Locals.

Article V

Duties of the System President

1. The System President shall be the chief executive officer of this System Union and shall devote full time to his/her duties.
2. He/she shall have general supervision over the business of this Union and shall conduct same in accordance with the System Union Constitution and Bylaws.
3. He/she shall enforce all laws, decide all constitutional questions subject to appeal to the System Executive Board, and shall be ex-officio member of all committees and boards.
4. He/she shall, when approved by the System Executive Board, be authorized to employ such help as may be necessary for the efficient conduct of the affairs of his/her office and of this organization.
5. It shall be the duty of the System President to preside at all meetings of the System Executive Board, System Executive Committee and Negotiating Committee and to cast the deciding vote in case of a tie.

6. It shall be his/her duty to visit all Branch Locals quarterly when possible. He/she shall inspect their proceedings either in person or by deputy and appoint officers to act for him/her with full power whenever it becomes necessary. He/she shall revoke charters of refractory or inactive Locals with the consent of the System Executive Board and the National Union. He/she shall attend Divisional Union-Management Conferences when he/she is requested and/or deems it advisable.
He/she shall attend and serve as chairman of all System Joint Conferences.
He/she shall, by reason of his/her office, be a delegate to, Regional Conferences and State and National Conventions.
7. He/she shall have the power to remove any Local officers for incompetence or neglect of duty subject to an appeal to the Branch Local and System Executive Board.
8. He/she shall appoint, and may remove members to all Committees not otherwise provided for in these Bylaws.
9. He/she shall conduct in person or by deputy all negotiations with the Company subject to the laws and order of this Union and shall have full authority to order such action as he/she may deem necessary to enforce the provisions and principles of contracts in effect between this union and the company or to bring about a contract where none exists.
10. In case of death, resignation, or removal from office of the System President, the Executive Vice-President shall act as President pro-tem and he/she shall immediately arrange for the holding of an election for a President. In case of sickness or vacation of the System President, the Executive Vice-President shall fill the vacancy.

Article VI

Duties of the System Vice-Presidents

1. The System Vice-Presidents shall be members of the System Executive Board, System Executive Committee and, when elected by the System Executive Board, the System Negotiating Committee. They shall attend a regular business or Executive Board meeting of each Branch Local in the area they represent every two (2) months to secure information as to conditions within the Local, receive recommendations and impart information to the Local. They shall head the Committee in the Area they represent and shall arrange conferences when necessary.
2. They shall, by reason of their office, be delegates to Regional Conferences, State and National Conventions.

Article VII

Duties of the System Secretary-Treasurer

1. The System Secretary-Treasurer shall act a Secretary of the System Executive Board, System Executive Committee, and the Negotiating Committee; insure the System President receives all benefits due him/her under the current contract and bylaws; conduct all correspondence with the various Locals; have charge of all funds of this organization and shall receive all monies, initiation fees, etc., from all Locals and shall pay all bills authorized by the System Executive Board; keep a record of membership; preserve all important documents, papers, and letters received; pay all lawful benefits; supervise the purchase of all necessary supplies and keep an itemized account of all receipts and expenditures.
2. He/she shall issue a financial statement to each Branch Local and to all members of the System Executive Board at the time of each regular System Executive Board meeting. An audited report shall be prepared and distributed to the above officers after the close of the fiscal year on July 31. The Treasurer shall provide corresponding financial institution statement of account and/or reconciled bank statements for all audits. He/she shall also prepare for distribution to the above officers a summary of officers activities prepared from officers' reports submitted at the Executive Board meeting.
3. He/she shall, when approved by the System Executive Board, be authorized to employ such help as may be necessary for the efficient conduct of the affairs of his/her office and of this organization.
4. He/she shall act and cooperate with the System President in pursuance of his/her duties. He/she shall give the necessary time to the duties of his/her office. He/she shall visit each local once a year to secure information as to conditions within the locals, receive recommendations and impart information to the locals. Additional visits must be approved by the System Executive Committee.

5. The retiring Secretary-Treasurer shall instruct the incoming Secretary-Treasurer in the performance of his/her duties for a period of thirty (30) days following the expiration of his/her term, for which he/she shall receive his/her regular salary. In event the retiring Secretary-Treasurer fails to perform this service no compensation shall be paid.
6. He/she shall send in each month to the National Office of the UWUA, the per capita reports, together with per capita payments for the System Union and Branch Locals.
7. He/she shall, by reason of his/her office, be a delegate to the Regional Conferences, State and National Conventions.
8. No checks written from the System Treasury shall be to cash.

Article VIII
System Executive Board

1. The System Executive Board shall consist of the System President, System Vice-Presidents, System Secretary-Treasurer and the President of all Branch Locals or their substitutes.
2. The System Executive Board shall have supervision over all business of this Union and their action shall be final, subject to appeal to the membership at large. This authority shall not include the negotiation of a contract between the Union and the Company.
3. The System Executive Board shall be empowered to transact business pertaining to this Union by correspondence when not in session and action taken and decisions thus rendered shall be legal and stand as law.
4. The System Executive Board shall have at least three (3) regular meetings a year, at the call of the President or upon call of the majority of the Executive Board. They shall have full authority to consider and decide appeals and matters affecting this Union, subject to and in accordance with this Constitution and Bylaws. The Decisions of the System Executive Board may be appealed to the membership at large but pending such appeal the decisions of the Board must be complied with.
5. The System Executive Board shall hold its regular meetings at appropriate times during the months of March, July and November.
6. Any member of the System Executive Board can be removed from office by any specific charge or charges proven against him/her as provided for in this Constitution and Bylaws.

Article IX
System Election Laws

1. System Officers nominated and subsequently elected will become delegates to Regional conferences, State and National Conventions. System Officers shall be nominated by members present at regular or special meetings during the months of April, May, and June in the year of elections. Members may not accept nomination for and /or hold more than one System office. Names of eligible nominees shall be presented to the System Executive Board at the regular July meeting.
 - A. Any candidate nominated for System office can accept or decline the nomination at the July System Executive Board meeting.
 - B. The System Secretary-Treasurer shall obtain a letter of acceptance or declination from the eligible nominees declaring to accept or decline at the July System Executive Board meeting or within fifteen (15) days after certified notification is sent to the nominees. If no letter of intent is received by the Secretary-Treasurer, he/she shall consider this action as a declination of the nomination. Accepting nominees for office shall be listed in alphabetical order on the ballot. The ballot shall reflect that successful candidates shall be delegates to Regional Conferences, State and National Conventions.
2. Candidates for System Vice-Presidents shall be nominated and elected by the members of the Branch Locals in the group which the System Vice-President will represent. All members shall nominate and elect the System President and System Secretary-Treasurer.
3. Regular election day shall be the third (3rd) Monday in September and shall be conducted by United States mail.

Those candidates receiving the highest number of votes for an office shall be elected. Two post office boxes shall be rented at a post office determined by the System Election Committee. One post office box will be identified/utilized for the returned voted ballots, with no key being issued by the post office. A second post office box will be identified/utilized for undeliverable or return to sender mailed ballots. A key will be issued for this second box by the post office and used by a subset of System Election Committee members to check for returned undeliverables twice during the voting period. The Election Committee will work in conjunction with Branch Local presidents to acquire the most recent address of members. A permit may be secured for returned envelopes known as postage will be paid by the addressee commonly referred to as business reply mail and addressed to the first post office box. A smaller envelope is placed within the larger serialized postage paid return envelope, with the voting members return address label affixed, mailed to each member and used to mail back his or her vote to the Post Office Box. Ballots shall go out the third (3rd) Monday of August and be returned by the third (3rd) Monday of September. The ballots concerning election of System President and/or System Secretary-Treasurer shall go to all members. Ballots for System Area Vice-Presidents shall go only to the affected branches and areas but in the same mailing envelope.

4. Elections shall be held in the following manner:
 - A. An election committee of seven (one from each System Vice-presidents Area) shall conduct the election, and mail out the ballots coordinating with the branch locals. All ballots will be returned (addressed) to the Post Office Box rented by the Local and will be picked up by the committee the day after the last day for return ballots and counted. The Election Committee is appointed by the System president with the advice and consent of the System Executive Committee.
 - B. The mail ballot going out may contain different choices for different branch locals depending upon what elections, if any, are taking place in the branch. The ballot may contain: (1) Choice for top System Officer; (2) Choice for System Vice-President. The ballots will reflect these possibilities. Official System ballots will be serialized and watermarked. The serialized ballot numbers will not identify the member receiving the ballot. The postage paid return envelopes with voting members return address label affixed will be serialized and recorded by the System Election Committee. The serialized ballot number and serialized return envelope numbers will not match. The Election Committee will make reasonable efforts to provide a replacement ballot with a new return serialized envelope number to any member requesting a replacement ballot. The System Election Committee will tally all of the ballots and report out the successful candidates.
5. The Election Committee shall prepare and distribute a report on the results of the elections and see that the same are posted in conspicuous places on bulletin boards throughout the System. If no candidate or Branch Local makes a protest as to the conduct and accuracy of the election within two (2) weeks after posting the results, the System President shall declare the results official. If any candidate or Branch Local registers a protest as to the conduct or accuracy of the election, the System President shall appoint a three-member investigation committee, one of whom must be a member of the protesting Branch Local and these will render a report to the System Executive Committee which will then take appropriate action, if any, to resolve the situation.
6. In the case of a regular election, the successful candidates shall be installed to office at the regular System Executive Board meeting in November. Any System office for which there is only one eligible nominee shall be filled at the November Executive Board meeting by System Secretary-Treasurer casting one unanimous ballot. In the case of a special election, the successful candidate shall take office at the earliest opportunity for the System President – or another officer appointed by him/her – to administer the oath of office.
7. The candidate with the highest number of votes shall be deemed to be elected. If a tie ballot is cast only the candidates receiving the highest tie votes shall be entered in a run-off election called for in accordance with these Bylaws.
8. No candidate for System Office may be part of the Election Committee but he/she, or his/her representative, may watch the final tally by the Election Committee. Similarly, no candidate may serve in the conduct of elections if he/she is a candidate for any other office.
9. There shall be no polling places since all election will be by mail ballot. The Election committee shall clearly place instructions on the ballot indicating the date by which the mail ballot must be mailed back (and if it comes after that date, it will not be counted). The Election Committee shall make known to each voter that, after he/she has marked his/her ballot, he/she can drop it in any mail box (no postage required). There shall be no absentee ballots as such.
10. The mail ballot period shall be the official election machinery for the System Local. No other System General Elections for officers can be held separately or at another time. Vacancies occurring during the term of office for

System Officers are covered elsewhere herein.

- A. All elections and voting shall conform to the National Union Constitution and Bylaws and Federal law applicable to same.
11. When a vacancy occurs in a System Office except System President, the System Executive Committee, subject to the approval of the Executive Board shall fill the office by appointment for the unexpired term if the unexpired term is one (1) year or less. If the unexpired term is for more than one (1) year, the System Executive Committee, subject to the approval of the System Executive Board shall fill the office by appointment until the members affected shall nominate and elect his/her successor as soon as possible and the rules governing these elections shall comply with System Election Law.

Article X

Ratification of Agreement / Strike Authorization

1. The negotiating committee will, at their discretion, present management's last offer to the System Executive Board. The System Executive Board must vote to recommend acceptance or rejection of the offer prior to its being presented to the membership for a vote on said contract. The System Local shall not call a strike unless the members have been notified of the consideration of such strike action at a special or regular meeting and the members at such meeting by a majority vote, approve strike action. No strike shall be called until the National Office is notified and the National President has given his/her sanction. The System Local officers before requesting strike approval from the National President are required to have membership approval of such strike action. Membership approval of strike authority may be taken prior to such negotiations. On being notified of a desire to strike, the National President or his/her representative shall immediately attempt to adjust the dispute between the Company and the System Local and shall give further recommendation on procedure.
2. All members in good standing must be given an opportunity to vote on ratification of a general agreement or contract at a special meeting called for this purpose or by absentee ballot. It shall take a majority of members voting to accept and ratify a general agreement or contract offer. Absentee ballots will be provided to all members scheduled to work at the time of the meeting. Ballots will be provided on request for members who have scheduled vacation and are out of town, and members off work with legitimate excused absences (death in the family, workers comp., sick); and voting shall be conducted as prescribed by these bylaws.
3. Voting shall be:
 - A. By secret ballot at meetings and not by mail, a place of privacy shall be afforded each voter to maintain the secrecy of the ballot.
 - B. By absentee ballot. Absentee ballots will be distributed with two envelopes. The ballot, after being marked, shall be placed within a blank envelope and sealed. The blank envelope shall be placed within the second envelope. This second envelope shall be sealed and have the written signature of the absent member scribed on the outside of the sealed envelope. This second envelope shall represent the absentee voting roster.
4. Voting places shall be set up and the time and place of the voting shall be posted.
5. When polls are closed by Local Officers, the Ballot Box shall then be sealed. Local Judge of Election and Tellers shall sign across the seal and the box shall be given to the system officer present. Ballots will not be counted by the Local Officers.
6. System Officers shall collect their assigned Local's Ballot Boxes and present it to the negotiating committee for counting. After counting the ballots, the count shall be kept strictly confidential by the negotiating committee until a settlement has been signed between the company and the union.
7. After a settlement has been signed, results of balloting will be distributed to all Locals.

Article XI

Amendment of Bylaws

1. All resolutions of laws and rules conflicting with these Bylaws are hereby repealed.
2. Propositions for an amendment or resolution shall first be made as a motion at a regular or special meeting of one or more Branch Locals and upon passage of the motion by a majority vote, the chairman shall appoint a

committee of three (3) members to draft the resolution or amendment and report same back at the next regular or special meeting and upon receiving approval of the Branch Local, said amendment or resolution shall be sent to the System Secretary-Treasurer for action by the System Executive Board at the November board meeting unless 2/3 of the board approves change, as to being sent out for a referendum vote. Propositions for an amendment or resolution may be originated by the System Executive Board.

3. The action of the System Executive Board not meeting with the approval of the Branch Local from which a resolution or amendment was sent, the resolution may be returned to the System Executive Board with the disapproval of their previous action by the Local, and said resolution or amendment must then be sent out for referendum vote.
4. All voting on resolution or amendments must be by secret ballot. Such resolutions or amendments shall be printed on individual ballots furnished by the system Local with two spaces provided thus;
For Amendment
Against Amendment.
5. All resolutions or amendments must first be read and discussed at three (3) regular or special meetings of each Local before being put to a vote and must be voted on at the meeting of the third reading.
6. All resolutions or amendments shall be approved or disapproved by a 2/3 majority of the members voting.
7. These Bylaws and all amendments shall be sent to the National President for approval and shall not be in conflict with the National UWUA Constitution.

Article XII

Recall and Trial of System Officers

1. Any Local in good standing may initiate a petition recalling any System Officer consisting of System President, System Area Vice-President, and System Secretary-Treasurer through a petition stating reason for same. The charge or charges preferred against System Officers shall be presented to the System Executive Board, who shall act as a trial board. In preferring the charge or charges, the accuser shall go before a Notary Public and make affidavit to the facts in the case. The accuser shall have the affidavit approved by his/her Branch Local and by one or more other Branch Locals in good standing and forward same to the System President and the System Secretary-Treasurer. It shall be the duty of the System President to notify the accused and present him/her with a copy of the charge or charges, and within fifteen (15) days after the receipt of the charges, he/she, the System President, shall call a meeting of the System Executive Board to try the case or cases. All evidence on both sides shall be presented to the System Executive Board and they shall render a decision as to the innocence or guilt of the accused. If the accused is found guilty and the charge or charges warrant the board shall suspend him/her from office. The Board shall then order the charge or charges to be published in the official minutes and the officer or officers against whom the charge or charges were made shall have the privilege of explaining his/her or their action in the same minutes in which the charge or charges are written. Board shall immediately submit their finding and decision as to innocence or guilt to the membership at large, order a referendum vote for approval not less than fifteen (15) days nor more than thirty (30) days after findings and decision have reached the Branch Locals. If a majority of the members voting approve the action taken, the decision of the Board shall then become final and binding. Any accused found guilty shall have the right to appeal under the National Constitution and Bylaws. In the event that charge or charges are made against the System President, then the charge or charges shall be sent to the System Executive Vice-President of the System Local and to the System Secretary-Treasurer. The System Executive Vice-President shall assume the duties of notifying the accused, presenting the charge or charges and of conducting the trial.

Article XIII

Finance

1. The System President shall be a full time officer and his/her salary, as of May 1, 2012, shall be based on the highest negotiated rate in the contract plus one dollar (\$1.00), plus twenty five percent (25%) and will be adjusted whenever there is a higher rate negotiated into the contract. The salary as of May 1, 2012 shall be \$8,498.90 per month plus all the fringe benefits he/she would have received if he/she was working for the Company, and his/her salary shall be increased equal to the general increases received by the membership at contract anniversary date. A Benefits Committee shall review the benefits package on an annual basis or whenever the

benefit package received by the membership changes. The allowable wages for the System Secretary/Treasurer shall be as of May 1, 2012, \$836.85 per month and shall be increased equal to general increases received by the membership at contract anniversary date. The allowable wages for the System Vice-President shall be as of May 1, 2012, \$336.45 per month, and shall increase on contract dates by the same amount as increases received by membership.

2. The System President and the System Secretary-Treasurer shall furnish bond in the appropriate amount or a minimum of at least one thousand dollars (\$1,000). The said bond is to be purchased through the National Office of the UWUA. This Union is to pay the cost thereof and the bond to be made payable to the System Union.
3. The mode of collecting money to be known as dues is usually by check-off in the amount of two (2) times the base hourly rate of pay per month.
4. All money so collected shall be transmitted to the System Secretary-Treasurer who shall disburse said money collected as dues in the following manner: For the year 2012, seventeen dollars and seventy five cents, (\$17.75) per capita to the National Headquarters, subject to annual increase by the National UWUA. Eight dollars and thirty two cents, (\$8.32) per capita to the Branch Locals subject to annual contract percentage rate increases, and the appropriate per capita rate to the individual State AFL-CIO, and the remaining per capita funds to the System Local. The System Local may request, when necessary, further contributions from Branch Locals, on a per capita basis, if necessary. The System Local may delay per capita payments to Branch Locals in arrears of forwarding their Semi-Annual Audits and/or LM Reports. Continuing and hereafter the National per capita will be increased according to the National Union Bylaws. The Branch Local per capita shall be adjusted in the amount of the negotiated percentage wage increase obtained for the membership and remaining increase will remain with the System Local.
5. In case an assessment be deemed necessary by the Executive Board, a resolution shall be drawn up by this body and be submitted to the membership at large for approval and said resolution must receive a two-thirds majority of all votes cast before such assessment can be leveled.
6. The System Union's share of all dues, initiation fees, assessments and other monies shall be paid into the System Treasury as soon as possible after collection.
7. After all obligations have been cleared to the System Secretary-Treasurer the Branch Local Treasury shall be sole property of the Branch Local and shall in no way be construed as being part of the System Treasury. Disposition of such funds shall at all time be determined by a majority of votes cast in the Local to which said funds belong.
8. All monies of this System Union shall be deposited in the name of System Local 102, UWUA, AFL-CIO, in a depository selected by the System Executive Board and no part of said money shall be withdrawn, except by checks signed by the System President and System Secretary-Treasurer or in the absence or unavailability of either, by the System Executive Vice-President.
9. The books of the System Union are to be audited once each year by a CPA at the end of the fiscal year. The findings of the CPA shall be reported at the next System Executive Board Meeting. The System Secretary-Treasurer shall be charged to file with the Department of Labor (DOL) the LM Report required by law. A copy of the LM Report is to be forwarded to the National UWUA Secretary-Treasurer.
10. The System Secretary-Treasurer must act on all bills due and payable, subject to the approval of the System Executive Board. An itemized statement must be presented to him/her by an officer or member transacting any business for this System Union.
11. The System President, System Secretary-Treasurer, and System Vice-Presidents, or anyone delegated by the System President, using their own car for transportation on business of this Union shall receive expenses for mileage. The mileage rate shall be determined by the current mileage rate recognized as standard by the Internal Revenue Service. They shall receive payment of straight time wages, hotel bills, meals, and needed incidental expenses when on necessary business for this System Union or System Officers on necessary business for the System overnight shall receive an allowance based on the current IRS CONUS system for meal, incidentals and expenses.
12. Initiation fee of not less than \$50.00 shall be paid by all new members. Members shall remit to the Branch Local, a check for the entire amount made payable to System Local 102. The Branch Local shall forward the check to System Secretary-Treasurer. The System Secretary-Treasurer will then forward amount set by National Bylaws

of the National Union. Initiation fee shall be waived for ex-servicemen, if they apply for membership within one year from the date of discharge from military service.

13. Paid up transfer certificates from other AFL-CIO Unions shall be honored and no initiation fee will be required, provided the card is no more than twelve (12) months old.
14. In the event that a Branch Local must reimburse an officer and/or member of the Branch Local for lost wages, the following procedure will be followed:
 - (1) The Branch Local Treasurer or Branch Local Secretary-Treasurer will compute only total wages and proper amount of Social Security Tax (FICA) required by employer. (see example)
 - (2) The Branch Local Treasurer or Branch Local Secretary-Treasurer will send by U.S. mail a check for the total amount, plus a completed System Local 102 Expense Voucher, to the System Local 102 Secretary-Treasurer. NOTE: System Local 102 Expense Voucher must be filled out properly which will include: A - full name, social security number, signature, full address and zip code; B - date, meeting location, reason for, and wages; C - branch locals social security tax (FICA) payment will be entered in the appropriate block, labeled FICA beneath the wage total block. Branch Local Presidents will approve all branch local expense vouchers, except his/her own. Branch Local Treasurer or Branch Local Secretary-Treasurer will approve Branch Local Presidents vouchers.

Example:
Lost Wages..... \$1000
Social Security (FICA)
 (current 2012 rate – 13.261%)..... 13.26
Total check sent to System Local 102..... \$11326
 - (3) Upon receipt of Branch Locals check and System Local 102 expense voucher, System Secretary-Treasurer will deduct all appropriate taxes. A System Local check for the balance due will be mailed to the officer or member by U.S. mail.
 - (4) It shall be understood that Branch Local Officers or Members falling under this section of the Bylaws will become employees of System Local 102, Utility Workers Union of America, AFL-CIO.
 - (5) System Local 102, Secretary-Treasurer, will be responsible for all tax deposits and preparation of all appropriate tax forms.
15. All checks written by System Local 102 are expected to be cashed in a timely manner, normally within sixty (60) days. In the event that a check written by System Local 102 is void on time or System Local 102 must stop payment on a check, the recipient of that check will be assessed the prevailing bank cancellation fee per check. If assessment is challenged by recipient, the System Executive Committee will rule on the assessment. All rulings will be final.
16. The System Secretary-Treasurer shall establish and maintain the System Local 102 Educational Fund. All monies in support of the Fund shall be by monthly per capita on an equal basis of the Locals and the System. A total of twenty (20) cents per member shall be deducted by the System Secretary-Treasurer from the Local's per capita before forwarding to the Locals, and System Local 102 shall add twenty (20) cents per member on a monthly basis. Said monies in the fund shall be used at discretion of the System Local 102 Executive Committee for the payment of lost wages by local officers in attendance of National Educational Conferences. Locals will be offered on a rotating basis by System Local 102 Executive Committee the reimbursement of lost wages determined by availability of funds. System Local 102, Secretary-Treasurer shall maintain accurate records of the fund and report to the System Local 102 Executive Board on a quarterly bases said receipt and disbursements. System Local 102 Executive Board may approve additional funds for deposit prior to National Educational Conferences when needed.
17. In the event that any member required to perform duties for the System submits a voucher for lost wages he or she may choose to participate in the System Locals 102 UWUA Simple Plan, administered by System Secretary-Treasurer.
18. All new members shall be exempt from paying dues for the month in which they are hired.
19. System Local 102 will award up to three (3) scholarships per year for first year students enrolling in two (2) year associate degree programs. One scholarship in areas of branch locals, lines and substations 102- (N,O,P,Q,Q-2, R and S). One scholarship in areas of branch locals, lines and substations 102- (B,C,D,F,G,H,I,,K,L and M). One

scholarship for a power station school when established for all areas. These scholarships will be \$2,500.00 each, payable to the institution in the name of the student.

Funding

The System Secretary/Treasurer shall establish and maintain the System 102 Scholarship Fund. All monies in support of this fund shall be by reducing per capita by .25 per member per month per scholarship to the branch locals. A total of .75 when all three (3) schools are in operation.

Scholarship Review Committee

A scholarship Review Committee will be set up for each school location. It shall consist of one System Area Vice-President and two Branch Local Presidents to be chosen by the System Executive Board. The Committees will work with the Educational Institution to review applications for the scholarships. All applications for scholarships shall be reviewed through the Educational Institution's liaison.

Order of Preference:

1. UWUA Local 102 Member
2. UWUA Local 102 Dependent
3. Other UWUA Member/Dependent
4. AFL-CIO Member/Dependent
5. Other Union Member/Dependent
6. Committee Choice

Article XIV Membership

1. Membership in each Branch Local shall be comprised of all non-supervisory employees who are engaged in work in the territory over which this local has been granted jurisdiction and who are eligible for union membership under the constitution of the UWUA, AFL-CIO.
2. Each applicant for membership shall fill in an official application form stating name, address, place of employment and position held; at the same time, such applicant may execute a payroll deduction check-off authorization for the payment of dues. Members on leave shall pay their dues directly to the System Secretary-Treasurer unless officially excused.
3. Candidates must present themselves at the next regular business meeting at which their membership application has been approved in order to take the obligation of the Union before being admitted to full membership. Applicants who find it unreasonable or impractical to be present at the first meeting must obtain a postponement from the Local Branch President. In order that the Local may be governed by the democratic rule of the members, it shall be the duty of each member to attend, if possible, all of the regular and special meetings of the Local.
4. Any member more than three (3) months in arrears in payment of dues shall become delinquent and be suspended. No person, unless he/she is in good standing shall be entitled to the privileges, protection or benefits of this Union.
5. Any member suspended for non-payment of dues may be reinstated at any time upon payment of all dues, fees and assessments that may be in arrears, plus a reinstatement fee equal to the initiation fee stated in paragraph 12 of Article 13.
6. Members who become sick for a period extending beyond the time during which they receive sick pay from the Company shall be maintained in good standing without payment of Local dues until they return to work or leave the employ of the Company. However, upon exhausting Local Union wage benefits (i.e., vacation, sick pay, personal days) National per capita shall be owed for any employee out of work collecting either workers' compensation or industrial disability benefits for the first two years of disability.

7. Any member inducted into the armed forces of the United States of America who is in good standing at the time of his or her induction shall remain in good standing without payment of dues until he/she returns to work but not more than ninety (90) days after being honorably discharged.
8. Members who become unemployed due to involuntary layoff or retirement may remain in good standing without payment of dues until gainfully employed. Such members shall have all the rights and privileges of membership except they shall not be entitled voting rights.
9. Dues (including National per capita) shall be delayed for any discharged employee if arbitration is pending. If the employee is reinstated with back pay, dues shall be owed for the entire period when the employee was out of work. If the employee is reinstated with seniority but without back pay, per capita shall be owed to the National for the entire period, not to exceed one year when the employee was out of work.
10. National per capita shall be owed for all employees out of work (no pay status) under the Family and Medical Leave Act.
11. This Union may accept the transfer card from any member transferring from another local of the Utility Workers Union of America or from the National Union or from an affiliate of the National AFL-CIO in which he/she is in good standing provided the card is no more than twelve (12) months old.
12. Any member in good standing who leaves the employ of the company and wishes to transfer to another AFL-CIO affiliate may be issued a Transfer Request Certificate upon application being made to the System Secretary-Treasurer.
13. Any member in good standing who accepts employment outside of the bargaining unit may request and be issued a Withdrawal Card.
14. Honorary Membership Cards may be issued to retired members by the National Union after an application for the cards bearing the name and address of the retired employee has been submitted by their Branch Local Secretary-Treasurer.
15. All members shall keep the Secretary-Treasurer or Secretary of their respective Local informed as any change in residence or place of employment and the Local Secretary or Secretary-Treasurer shall convey all such information to the System Secretary-Treasurer.

Article XV
Branch Local Meetings

1. All Branch Locals shall hold membership business meetings at least once each month. Notices of meetings shall be posted on approved bulletin boards at the Branch Local work locations.
2. Special Meetings may be called by the System President, Local President, System Executive Board, and Local Executive Board or by 25 percent of the membership of the Local. The call for a special meeting must state the business for which it is called and no business shall be transacted except that for which the meeting is called. Notices of special meetings must be posted on approved bulletin boards at least three (3) business days prior to the date of that meeting.
3. All members should attend all regular and special meetings of their respective Locals.
4. Each Branch Local shall establish the number of representatives required to constitute a quorum and shall notify the System Secretary-Treasurer of the number designated. No local business shall be transacted unless a quorum is present.
5. All Branch Local Executive Boards shall meet at least once each month to transact their business.
6. Branch Local Contract Committees shall meet at least every three (3) months to prepare a report and recommendations. Such meetings shall be held at the call of the Branch President.

Article XVI
Branch Local Officers

1. Branch Local Officers shall consist of President, one or more Vice-Presidents, a Secretary, Treasurer, and/or

Secretary-Treasurer, Health and Safety Officer, and three (3) Trustees, where applicable. These officers, plus the Shop Stewards shall constitute the Local Executive Board and shall be the Branch Local's highest body of authority between local meetings. A Master at Arms shall be appointed at the start of the Branch Local meeting.

2. The President, Vice-President, Secretary, Treasurer, and/or Secretary-Treasurer, Health and Safety Officer shall be recognized as the Branch Local Executive Committee. The Branch Local Executive Committee shall constitute the Local Contract Committee.
3. The Branch Local shall establish a Local conference Committee to meet with management consisting of the President, Vice-President, Secretary, Treasurer, and/or Secretary-Treasurer and Health and Safety Officer and others who shall be appointed by the President to conduct the affairs of the conference.
4. No one shall be eligible for election to any Branch Local office who has not been a member of the Local and in good standing for at least six (6) months. Branch Local Officers – President, Vice-President, Secretary, Treasurer and/or Secretary-Treasurer, Health and Safety Officer, and Trustees shall be elected for two (2) year terms. Nominations for office shall be made at regular or special meetings in the months of April, May and June in the year of elections, with elections in September and elected to take office in October.
5. The Branch Local Contract Committee shall study wages and working conditions in their locals and shall place such information and suggestions as they may secure at the disposal of the System Negotiating Committee after ratification by the members of the Branch Local.

Article XVII **Duties of Branch Local Officers**

1. *Local Executive Board Duties*

It shall be the Local Executive Board's duty to enforce the laws at their respective Locals, adjust all Local disputes and agreements in accordance with the provisions of this Constitution and Bylaws seeking advice and guidance from the System Officers whenever necessary.

2. *Duties of the President*

- A. The President shall preside and preserve order at all membership meetings of the Local, enforce the Bylaws of this Local and Constitution and Bylaws of the System Local 102 and of the UWUA. He/she shall decide all questions of order, subject to an appeal to the Local, act as judge of elections and declare the result thereof of the Local. He/she shall not be entitled to vote except there be a tie vote, or upon election of officers. He/she shall sign all orders drawn on the Treasury for such money as is approved by the Local for payment. He/she shall be an ex-officio member of all committees and shall perform such duties as the Local may require of him/her. He/she shall head all joint conference meetings and by virtue of his/her office be delegate to the Regional and National Conventions. With respect to the National Convention, should the President be unable to attend, another officer, be it Vice-President, Secretary, Treasurer or Health and Safety Officer, can be elected to attend and be the delegate therefore; should the Local fail, or be unable to send any of its officers to the National Convention, the voting power and per capita shall be split and apportioned equally to any and all other Locals of System Local 102, which do attend the National Convention and the National Union shall be so advised for the purpose of credentials.
- B. He/she shall appoint and may remove members to all committees not provided for in this Constitution and Bylaws.
- C. President shall notify all candidates nominated for elected office within the Branch Local.

3. *Duties of the Vice-President*

The Executive Vice-President shall act as President in the absence of that officer and in case of resignation, death or removal of the President, fill the vacancy as provided for in these Bylaws.

Any other Vice-President elected by the Branch Locals shall perform the duties as designated by the Branch President.

4. *Duties of Secretary*

The Secretary shall keep accurate minutes of the proceedings of the Local; call the roll of officers, notify the members of all meetings. He/she shall receive, read and safely preserve papers and documents and shall conduct the correspondence of the Local. He/she shall keep a complete list of all members showing their names, addresses, etc.

5. *Duties of Treasurer*

The Treasurer shall receive all monies due the Local and deposit same immediately in such bank or banks as may be designated by the membership in the name of the Local. He/she shall furnish a report of the monies received, monies paid out and the balance on hand in order. He/she shall pay bills incurred that have been approved for payment by the Local and signed by the President or any of the other Local officers so empowered. He/she shall keep all proper books of account and shall have this account ready for audit and settlement each six (6) month period and thirty (30) days prior to the expiration of his/her term of office. He/she shall be charged to file with Department of Labor (DOL) the LM Reports required by law. Copies of Semi-Annual Reports and LMs need to be forwarded to the National UWUA and the System Secretary/Treasurer. Before entering upon his/her duties, he/she shall give corporate security satisfactory to the Local if desired by the Local. Said premium to be paid by the Local. The Treasurers shall provide corresponding financial institution statements of account and/or reconciled bank statements for all audits.

6. *Duties of Secretary-Treasurer*

The duties of the Secretary-Treasurer shall be in combination of the above mentioned Secretary and Treasurer Officer duties.

7. *Duties of Health and Safety Officer*

The duties of the Health and Safety Officer shall be to monitor and investigate all aspects of employee health and safety. Hazards are to be identified.

8. *Duties of Trustees*

Duties of the Trustees shall be to audit the books of the Treasurer semi-annually and make a report of the financial standing of the Local at the next Branch Local meeting and send a copy to the National UWUA Secretary/Treasurer. Trustees when performing audits shall be required to view corresponding financial institution statements of account and/or reconciled bank statements for each audit period. They shall also be custodians over all property of the Branch Local.

9. *Committees*

All Branch Locals may set up Committees as they deem necessary to conduct the affairs of their respective Branch Local. The members of committees shall be appointed and may be removed by the President.

Article XVIII
Branch Local Finances

1. Regulations covering wages, salaries and expenses inaugurated by respective Branch Locals shall be met and enforced by said Branch Locals. The Branch Local will compensate any member authorized to represent it on union business for any lost time wages, meals, lodging and transportation, including mileage for use of his/her personal vehicle. Lost wages are addressed in Article XIII Finance, paragraph 15, and mileage reimbursement shall follow Article XIII Finance, paragraph 11.
2. Initiation fees, dues and per capita to the UWUA, shall be collected and paid in accordance with the rules of the System Board.
3. No checks written from Branch Local treasuries shall be to cash.

Article XIX
Branch Local Election Laws

1. Nominations for Branch Local Officers shall take place during the regular or special meeting during the months of April, May and June in the year of elections. Members may not accept nomination for and/or hold more than one office. Candidates for nomination must be present at a nomination meeting to accept nomination or must submit written notice of acceptance of nomination for one specific office within one week from the date of nomination. Branch Local President shall notify all candidates nominated for elected office within the Branch Local.
2. All Branch Local Officers shall be elected by secret ballot at the regular meeting in the month of September and shall hold office for a period of two (2) years unless removed for cause. All elected officers shall be installed at the regular meeting in October.

3. Each member shall be notified not less than fifteen (15) days prior to the date of the pending nominations and elections of officers by mail at their last known address and/or by posting on all approved bulletin boards in the work places of all members and/or by Light Magazine. Notification to include the date, time and place of election and offices to be filled noting successful Branch Local President as a delegate for Regional and National Conventions. Nominations for System Officers will be included in these postings and notifications in the applicable election years noting successful candidates are delegates to Regional, State, and National Conventions.
4. Absentee ballots shall be accepted from members in good standing as per Article X, paragraph 2. Elections shall be by secret ballot and the nominees receiving the larger number of votes cast shall be elected. In the event of a tie vote, the election shall be decided by a flip of a coin.
5. Before the vote is taken, tellers who are not candidates on the ballot, shall be appointed to see that the ballots are properly counted and to safeguard the secrecy and honesty of the ballot.
6. The Branch Local Secretary/Treasurer shall prepare and distribute to the Local candidates and Branch Local Executive Board members a breakdown report of the votes cast, within seven (7) days of the election. If no candidate or Branch Local member makes a protest as to the votes listed, within fourteen (14) days of the election, the Branch Local President shall declare the results official. A protest may be registered with the System President by certified mail post-marked within fourteen (14) days of the election. Upon receipt of protest, the System President shall appoint a three member investigation committee, one of whom must be a member of the protesting Branch Local and these will render a decision which shall be final and binding except for the protestant's right to appeal to the System Executive Board. The Executive Board decision shall be final and binding.
7. The Branch Local shall set up election procedure for vacancies which occur in the term of office due to death, resignation, transfer to supervision, or removal for cause or other reason. Electing such a replacement requires that proper notice is sent to members of such branch; secret ballot shall be used and tellers appointed to see that the ballots are properly counted
8. The following Locals will elect for two (2) year terms in even years. Local B, Arnold; Local D, Cabin Hill / Greensburg / Latrobe; Local G, Charleroi / Jefferson; Local I, Armstrong / Clarion / Kittanning / Springdale; Local K, Mitchell; Local M, Hatfield / Lake Lynn; Local O, Martinsburg / Berkley Springs / Meadowbrook; Local Q, Frederick / Mt. Airy / Thurmont and Eastern Shore Gas (Q-II); and Local S, Hagerstown.
9. The following Locals will elect for two (2) year terms in odd years. Local C, St. Marys ; Local F, Uniontown / Pleasant Valley / Connellsville; Local H, Boyce / Washington / McDonald; Local J, Butler; Local L, State College; Local N, Waynesboro / McConnellsburg; Local R, Cumberland / Oakland.
10. Shop Stewards shall be elected by the members in each department following the Branch Local election and shall serve until the next election or until they resign or are removed for failure to perform the duties of the position. The Local Branch President shall be informed and he/she in turn shall inform management. Shop Stewards shall be official representatives of the employees at the first stage of the grievance procedure.
11. No member can be elected to office if he/she has not been a member in good standing for at least two (2) years. If an elected officer or member of any committee of the local absents him/herself for four (4) consecutive meetings without sufficient excuse, his/her office or membership of such committee shall be declared vacant, and a replacement shall be properly elected or appointed.

Article XX
Recall and Trial of
Branch Local Officers / Members

1. Any five (5) members of the Branch Local in good standing may initiate a petition recalling any Branch Local officer / member through a petition stating reason for same. The charge or charges preferred against the Branch Local officer / member shall be presented to a three (3) member Trial Board which shall consist of:
 - A. The Presiding Officer shall be the highest ranking Branch Local Officer not charged or not a member of the charging party.

- B. A member of the Branch Local not charged or not a member of the charging party, appointed by the System President.
 - C. A member of the System Executive Board, who is not a member of the Branch Local involved, appointed by the System President.
2. In preferring the charge or charges, the accuser shall go before Notary Public and make affidavit to the facts in the case. The accuser shall present the affidavit to the System President by certified mail. Within fifteen (15) days of receipt, the System President shall send, by certified mail, a copy of the charge or charges to the accused and to the Presiding Officer. The Presiding Officer shall convene the Trial Board within thirty (30) days of receipt of the charges to try the case or cases.
 3. Recognizing that charges may be filed by a member in good standing against another member, the National UWUA procedures will apply.

Article XXI Intention

1. It is understood that this Constitution and Bylaws does not intend in any way or manner, nor shall it be interpreted in such a way as to conflict with the Constitution and Bylaws of the National Utility Workers Union of America. These Bylaws and all amendments shall be sent to the National UWUA President for approval.
2. Any clause or section of this Constitution that conflicts with the UWUA National Constitution and Bylaws shall be deemed null and void.

Article XXII Installation of Officers

The installation of System Officers shall be conducted by the System Local President or by any other officer designated by him/her.

Installing Officer – *“Brother/Sister do you accept the office to which you have been elected?”*

Installing Officer – *“Raise your right hand and repeat after me – I do solemnly promise on my word of honor that I will faithfully perform the duties of the office to which I have been elected, as required by the Constitution and Bylaws of this Local and UWUA, AFL-CIO, to the best of my ability. I will turn over all the property of the UWUA Local to my successor and I do further promise that I will never defraud this organization of anything whatever or allow it to be defrauded if within my power to prevent it.”*

Initiation of Members

“I most solemnly promise and agree to abide by the rules and constitution of the System Local and of my Branch Local to the full extent of my ability; at all times to regard the affiliation I hereby make with pride, and to endeavor to aid in its success. I will never defraud or misrepresent the Local and will bear true and faithful allegiance to its officers and members.”

“I will conduct myself at all times so as never to bring reproach on myself or on any member of the UWUA of the AFL-CIO.”

Article XXIII Order of Business

1. Meeting to be opened with a Pledge of Allegiance to the Flag of the United States of America and followed by the prayer incorporated in these Bylaws. Observation of a moment of silent prayer for deceased members.
2. Appoint a Sergeant-at-Arms.
3. Roll call of officers
4. Obligating of new members
5. Reading of the minutes of the previous meeting, corrections and approval.
 - (a) Reading of Local Executive Board Minutes
 - (b) Reading of Local Joint Conference Minutes
6. Communications

7. Bills
8. Reports of Committees
9. Officers' reports
10. Treasurer's report
11. Unfinished business
12. Nominations
13. Installation of Officers
14. New business
15. Good and Welfare
16. Adjournment

All questions of a parliamentary nature not provided for in these Bylaws shall be decided by Roberts Rules of Order.

Constitution
of the
**UTILITY WORKERS
UNION OF AMERICA**

Affiliated with the AFL-CIO



Adopted at
Atlantic City, New Jersey
April 6, 1946

Amended through
June 30, 2011

**PLEDGE OF ALLEGIANCE TO THE FLAG
OF THE UNITED STATES OF AMERICA**

*“I Pledge Allegiance to the Flag of the United States
of America and to the Republic for which it stands,
one nation under God, indivisible, with liberty and
justice for all.”*

P R E A M B L E

The Utility Workers Union of America , AFLCIO is an organization of members united by the belief in the dignity and worth of workers and by an understanding of the necessity and value of the services we provide to the public for their health and well-being. We are dedicated to improving the lives of our members and their families and to enhancing the quality of life in our communities.

We are an organization of men and women of every race, religion, age, and ethnicity, who are committed to a society where all workers and their families live and work with dignity; where there is an economic and political mandate for a more equitable distribution of the nation’s wealth for all those performing useful service to society; where workers have a collective voice and power at the workplace; where economic well being is achieved for our members and all workers; where work is satisfying and fairly rewarded.

To accomplish these goals, we commit to:

- Bargain contracts that provide for improved wages and working conditions and insure that our collective voices are heard and honored;
- Building a strong and unified union, that also stands firm with other unions;
- Organize the unorganized workers in our industries so that all workers can enjoy the highest possible level of wages, pensions and benefits;
- Stay united and recognize our common ground and goals

and not be divided by forces of discrimination, corporate action or disharmony;

- Participate in our democratic societies and insure that unions maintain a vital and central role in the political, social and economic life of our countries;
- Work for social and economic justice;
- Leave the workplace a better place for our children and our children's children.
- Participate in regulatory, legislative, legal and electoral proceedings to protect the interests of consumers and the public (including our members) in reliable, safe and environmentally sound utilities at affordable, just and reasonable costs.

Compliance with the National Constitution should become the personal interest of every member of our union. Every local union officer should consider the National Constitution in connection with union matters as seriously as the law of the land in daily life. This is the lifeblood of the organization. The body will become strong and powerful or weak and frail in ratio to the importance given these laws.

R-21

UTILITY REGULATION FOR WORKERS AND CONSUMERS

WHEREAS, the utility business – electricity, natural gas and water – is uniquely and heavily regulated by government. The state and federal utility regulatory systems in the United States are, in large part, the product of broad popular movements for people’s control over the privately owned utility monopolies. The regulation of private utilities is part of the democratic legacy of the Progressive Era and New Deal. The regulatory system has served us well – though not perfectly – over a century; and

WHEREAS, regulation provides essential protections for the public. Residential and business consumers and other stakeholders are able to participate in public proceedings that determine utility rates and service quality standards. These proceedings also determine the conditions under which utility employees work, including health and safety and even the continued existence of the jobs themselves; and

WHEREAS, regulatory proceedings, especially before state utility commissions, provide opportunities for our union to have a say in matters that affect our jobs, our families and our communities. The Utility Workers Union of America and many of its local unions have long experience in participating in such proceedings. We have taken the lead in defending high standards of customer service, public safety and reliability. We have been effective opponents of efforts to dismantle our nation’s system of democratic regulation in the public interest. However, it is imperative that consistent principals guide our involvement in regulatory matters, be less crisis-driven and be broader in scope;

NOW, THEREFORE, BE IT RESOLVED, that participation in regulatory proceedings affecting our members, our families and our communities is a key function for every level of our union. The Utility Workers Union of America’s regulatory interventions should be guided by a consistent set of principles, including:

1. Access to safe, reliable and affordable utility service is the right of every American.
2. To help ensure this service, utility revenue requirements approved by regulatory bodies should provide for adequate staffing and fair levels of employee compensation.
3. The right of all stakeholders, including utility workers and their representatives, to participate fully in all regulatory proceedings must be protected.
4. Preservation of state regulatory jurisdiction is essential to providing accessible venues for protecting consumer and worker interests; and

BE IT FINALLY RESOLVED, that the Utility Workers Union of America’s National Officers and National Executive Board shall implement these principles by:

1. Developing and implementing regulatory strategies for promoting union goals, such as job safety, job preservation, organizing and blocking the contracting out of UWUA work.
2. Working with community, labor, consumer, environmental and industry groups whenever possible to advance common goals.

R-12

REGULATION

WHEREAS, to an extent unlike any other industry in America, the utility business – electricity, natural gas and water – is heavily regulated by government. The state and federal utility regulatory systems in the United States are, in large part, the product of broad popular movements for people’s control over the privately-owned utility monopolies. They are part of the democratic legacy of the Progressive Era and of President Franklin D. Roosevelt’s New Deal, and they have served us well – though not perfectly – for over a century; and

WHEREAS, regulation provides essential protections for the public. Residential and business consumers and other stakeholders are able to participate in public proceedings that determine utility rates and service quality standards. These proceedings also determine the conditions under which utility employees work, even the continued existence of the jobs themselves; and

WHEREAS, regulatory proceedings, especially before state utility commissions, provide opportunities for our union to have a say in matters that affect our jobs, our families and our communities. The Utility Workers Union of America and many of its local unions have long experience in participating in such proceedings. We have taken the lead in defending high standards of customer service, public safety and reliability. We have been the most consistent and principled opponents of efforts to dismantle our nation’s system of democratic regulation in the public interest. However, our involvement in regulatory matters has sometimes been inconsistent, crisis-driven and inappropriately narrow in scope, lacking consistent principles to guide our regulatory policy,

THEREFORE BE IT RESOLVED, that participation in regulatory proceedings affecting our members, our families and our communities is a key function for every level of our union. That the Utility Workers Union of America’s regulatory interventions should be guided by a consistent set of principles, including:

1. Access to safe, reliable and affordable utility service is the right of every American.
2. To help ensure this service, utility revenue requirements approved by regulatory bodies should provide for adequate staffing and fair levels of employee compensation.
3. The right of all stakeholders, including utility workers and their representatives, to participate fully in all regulatory proceedings must be protected.
4. Preservation of state regulatory jurisdiction is essential to providing accessible venues for protecting consumer and worker interests; and

BE IT FURTHER RESOLVED, that the Utility Workers Union of America’s National Officers and National Executive Board shall implement these principles by:

1. Conducting training around regulatory issues and tactics, especially at regional conferences, and locally at the request of local union leadership.
2. In accordance with these guidelines, assisting local unions in evaluating, preparing and conducting regulatory and legislative interventions.

R-12 cont'd.

3. Establishing guidelines for National Union involvement in regulatory proceedings and related court cases.
4. Developing regulatory strategies for promoting union goals, such as job preservation, organizing and blocking the contracting out of UWUA work.
5. Developing a data base for UWUA states of laws and regulations governing future regulatory interventions by the national and local unions, including requirements for standing, legal representation, etc.
6. Working with community, labor, consumer, environmental and industry groups whenever possible to advance common goals.
7. Appearing before state and national legislative and regulatory bodies to promote UWUA principles and interests.

SUBMITTED BY: NATIONAL EXECUTIVE COMMITTEE

R-13

QUALITY OF SERVICE STANDARDS FOR UTILITY COMPANIES

WHEREAS, electricity, water and gas are a right that should be available to every citizen by utility companies which have an obligation to provide reliable, safe, accessible service to all. During the past decade, utility companies have been slashing their workforces as they merge, consolidate and restructure in order to maximize their profits. By doing so, they jeopardize the quality of service provided to consumers; and

WHEREAS, utility mega-mergers, announced nearly every week, are underwritten through bloated stock premiums amounting to billions of dollars. These excessive costs push utility companies to reduce preventive maintenance, slash inventory, drastically reduce work forces and offer less service to consumers, often at higher prices; and

WHEREAS, it is essential that legislators and regulators increase, rather than relinquish, their oversight and responsibility to protect the general public and workers in these industries by formulating and enforcing mandated standards of service and reliability for utility companies; and

WHEREAS, outages in all parts of the country, from the East Coast to the Mid-West to California provide example after example of the harmful effects of the failure of the utility companies to voluntarily deliver timely and reliable service. In incidents throughout our nation, utilities have left customers without power for unacceptable lengths of time, had longer response times, out of stock equipment, insufficient work crews, deferral of routine maintenance and other such situations that have caused a major decline in the electric and gas delivery systems; and

WHEREAS, these service quality issues, resulting from an aging utility infrastructure that is untended, have even caused tragic and brutal results, causing death, injury and property destruction; and

WHEREAS, natural gas explosions have become too frequent, resulting also in death and property damage caused, in part, by the employ of non-union subcontractors to save money; and

WHEREAS, the right of all citizens to clean drinking water is unalienable, and becomes harder to guarantee as the 54,000 drinking water systems in our nation face tremendous resource requirements to modernize aging structures; and

WHEREAS, the current economic and political climate allows utilities to continue to cut corners, even when lives are at stake, and encourages performance based rates which are the ultimate disincentive for safe and reliable electricity, water and gas; and

R-13 cont'd

WHEREAS, policy makers, legislators and regulators need to focus on and pay close attention to the establishment of meaningful quality of service standards, which will require utility companies to insure the safety of the general public and employees, to provide safe, reliable, affordable and accessible energy and water; and insure that the infrastructures are maintained and upgraded, and that services and goods are top quality and available to insure the continued reliability of the infrastructures,

THEREFORE BE IT RESOLVED, that the Utility Workers Union of America call upon federal and state legislators and regulators to adopt and enforce measures for quality of service by utilities, including meaningful standards and significant penalties for non-compliance; and

BE IT FURTHER RESOLVED, that the Utility Workers Union of America is committed to the safe and reliable delivery of electricity, water and gas to all individuals and businesses in our nation.

SUBMITTED BY: NATIONAL EXECUTIVE COMMITTEE

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served this day a true copy of the foregoing document upon the parties listed below by electronic mail and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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Dated: July 14, 2014



Scott J. Rubin
Counsel for Complainants