

PHPA LOCAL 102 BY LAWS  
November 10, 2016



**PHPA**  
**OPEIU LOCAL 102**  
**BY LAWS**

**Professional Helicopter Pilots Association**  
**November 10, 2016**

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## **ARTICLE I PREAMBLE AND DECLARATION OF PRINCIPLES**

The membership of this union, a labor organization granted legitimacy by an act of the Congress of the United States of America, do hereby establish this Constitution and Bylaws so as to pursue and to achieve our common and organizational goals identified as follows:

**FIRST:** Whatever right belongs to one member belongs to all members alike as long as they remain in good standing with the union.

**SECOND:** The right of each member to receive fair and just remuneration for his labor and to gain sufficient leisure for mental cultivation and physical recreation.

**THIRD:** The right to be treated in a decent and respectable manner by our employers while at the same time being conscious of the corresponding duties to them.

**FOURTH:** To try by all just means to promote harmonious relations with our employers by exercising due care and diligence in the performance of our duties.

**FIFTH:** To regulate our conduct as a Local Union and as individuals so as to make our occupation what it has a right to be, an honest and honorable means of earning a decent and respectable livelihood.

**SIXTH:** Based upon these principles, we are determined to do everything in our power individually and collectively as a Local Union to promote the best interests of our members.

## **ARTICLE II NAME AND AUTONOMY**

**Section 1.** Location.

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The Professional Helicopter Pilots Association (PHPA) located at 354 S. Daleville Avenue, Suite A, Daleville, Alabama shall be known as the Professional Helicopter Pilots Association, Office of Professional Employees International Union, Local 102.

**Section 2. Affiliation.**

The membership of PHPA permanently affiliated with the Office Professional Employees Union (OPEIU) as Local 102 on September 11, 2003.

**Section 3. Authority.**

These Bylaws are subordinate to the OPEIU Constitution. Where the OPEIU Constitution is procedurally silent, these Bylaws shall be the legal authority for the conduct of the affairs of PHPA.

**Section 4. Assets and Property.**

All money and property of any kind or nature belonging to this Local Union shall be held in the name of the Professional Helicopter Pilots Association, OPEIU, Local 102.

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**ARTICLE III EXISTANCE**

The dissolution of PHPA shall be consistent with the trusteeship provisions of the OPEIU Constitution and Federal Law.

**ARTICLE IV JURISDICTION AND THE COLLECTIVE BARGAINING AGREEMENT (CBA)**

**Section 1. Jurisdiction.**

The jurisdiction of PHPA extends over all of the employees of the flight training contractor workforce, except those specifically exempted by the CBA. PHPA claims jurisdiction rights over any new job positions which may come into being as a result of any modification(s) to the flight training contract.

**Section 2. Representation and the Collective Bargaining Agreement.**

PHPA is the exclusive bargaining agent on behalf of the members of the workforce for which it has been granted jurisdiction. PHPA will negotiate matters regarding wages, benefits, working conditions, and the scheduled hours of work. The Executive Board will staff the Negotiations Committee and will oversee all contract negotiations. During the contract negotiations period, OPEIU will assist PHPA.

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a. The CBA Defined.

This document generated by contract negotiations is called the Collective Bargaining Agreement (CBA). Ratification of the CBA by the membership of PHPA will be by secret ballot at a time designated by the Executive Board. The CBA is binding upon all Employees under the jurisdiction of PHPA, whether or not they are members of PHPA.

b. Modifications to the CBA.

From time to time the provisions of the CBA may be modified before its expiration date in which case the Executive Board will negotiate any changes. Such modifications are referred to as “bridge agreements”. A “bridge agreement” will be briefed by the Executive Board, to the membership, at a monthly membership meeting or a special meeting. A bridge agreement will normally be time limited and will remain in effect only as long as the current CBA is in effect or until it is ratified as a permanent provision to the CBA.

**Section 3. The CBA and the Membership.**

Every member of PHPA shall be familiar with the CBA, so as to avoid violating its provisions. It is the responsibility of every member to bring to the attention of the officers of PHPA any breach or violation of the CBA by any employee or supervisor. Failure to report violations of the CBA undermines the CBA and harms every member of the bargaining unit.

**ARTICLE V MEMBERSHIP**

**Section 1. Principles.**

No person shall be admitted membership in this Local Union who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the fundamental principles of the United States.

**Section 2. Eligibility.**

For purposes of this Article, employees eligible for membership are active employees who fall under the jurisdiction of PHPA. An employee may join PHPA by paying an initiation fee, the first month's dues and by filling out forms for membership provided by the Secretary-Treasurer. A privilege of membership is the participation of the employee in PHPA group life and disability insurance programs.

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**Section 3. Types of Membership.**

a. Good Standing Defined.

(1) A member in good standing is defined as any member whose dues payments are current through dues check off or who pays by check or cash NLT the 5<sup>th</sup> of each month. Members in good standing must also ensure a current mailing address, contact number and current email address is on file with the office manager. The purpose of this requirement is to ensure the timely dissemination of important Local Union business and information and to promote an effective electronic election process.

(2) Members of the Local Union shall enjoy all the rights and privileges of membership which include the right to seek elected office and to cast votes in all PHPA elections and meetings. Members can be appointed to any committee of the Association.

b. Members on Lay Off or Grounding.

For purposes of this section, a member who maintains seniority rights protected by PHPA and who meets the requirements of Section 3, a.(1) above, will be considered a member in good standing until he loses/terminates his seniority rights or discontinues his fulfillment of membership requirements in Section 3, a.(1).

c. Extended Military Leave.

Those members in good standing who are called to extended active duty with the military forces of the United States will maintain their membership in good standing without dues payments of fees for the period of the active service required by their activation until they resume work. Members on military duty do not retain voting rights during their term of active duty.

d. Associate Membership.

Associate membership is available to any member who has retired or who has been permanently grounded. An associate member cannot vote or hold office in PHPA but can attend monthly meetings and participate in PHPA member benefits programs.

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**Section 4. Duties of Membership**

a. The Responsibility of Membership

(1) It is the responsibility of each member to remain dues current and to participate in the affairs of PHPA. Each member is expected to fully adhere to the provisions of the CBA, these Bylaws and the OPEIU Constitution.

(2) Members will ensure current mailing address, contact number and current email address is on file with the PHPA Office Manager. See Section 3, a.(1) above.

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b. Restrictions

A member who is dues delinquent will not be allowed to vote, hold office or otherwise participate in the affairs of PHPA. Any dues delinquency that extends beyond thirty (30) days will result in the termination of PHPA life and disability coverages.

**Section 5. The Expulsion, Termination and the Suspension of Membership**

a. Discipline

- (1) PHPA may discipline its members and officers only as permitted by Federal law or by the provisions of the OPEIU Constitution. Expulsion of a member may result from violations of these Bylaws, the CBA or of the OPEIU Constitution. A member may be fined, suspended or terminated from PHPA membership for engaging in any activity or course of conduct deemed to be detrimental to the welfare of PHPA.
- (2) Articles XV and XVIII define the trial procedures and the offenses which warrant disciplinary action by the Local Union.

b. Resignation and Withdrawal Card

If a member is found guilty by the Trial Board of the Local Union and the member is not barred from rejoining PHPA, full membership may be reinstated in accordance with the provisions of Section 2 of this Article or the conditions of the discipline. If a member has been suspended for dues delinquency, paying all back dues, the current month's dues and any fines or fees will reinstate his membership.

**Section 6. Dues, Fees, Fines and Assessments**

a. Dues Ratified By the Membership

The amount of membership dues will be determined by a majority vote of the membership and will be a percentage of the member's base salary as per the membership application.

b. Fees

Fees are imposed when a member joins or is reinstated as a regular member of PHPA.

c. Assessments

- (1) Assessments are fees, in addition to regular dues, that the membership votes to impose upon itself in order to fund specific PHPA goals that are not otherwise budgeted. Assessments will not be used as an arbitrary method of increasing membership dues. The following guidelines govern the implementation and accountability of all assessments.
- (2) Assessment funds shall be held in a separate fund and can only be used for expenditures concerning that assessment. Should the reason for the assessment cease, or should the accounting have an unused balance, the disposition of the remaining monies will be decided of by a majority vote of the membership of PHPA at a regularly scheduled meeting.
- (3) Assessments will automatically expire after the purpose of which the assessment was initiated has been achieved or twelve months (12) have expired, whichever occurs first.

**ARTICLE VI**

**MEETINGS**

**Section 1. Monthly Meetings**

Monthly membership meetings shall be held the second Thursday of each month, except holidays, at 6:30 PM with the President presiding. The rules contained in Robert's Rules of Order shall govern PHPA in all cases to which they are applicable, and in which they are not inconsistent with the Bylaws of PHPA.

a. Holiday Meeting Schedule

If a regularly scheduled meeting is preempted by a holiday, the President will reschedule the meeting as necessary.

**Section 2. Quorum**

A regularly scheduled meeting requires a quorum of no less than ten (10) members, excluding the members of the Executive Board, for the transaction of business.

**Section 3. Special Meetings**

a. Called By the Executive Board

For purposes of this Article, a special meeting is defined as any meeting that is conducted at a time other than a monthly membership meeting. A special meeting may be called by the President or by a majority vote of the Executive Board, or by the membership. A special meeting will not be scheduled sooner than five (5) days from its announcement to ensure maximum

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participation by the general membership. No monetary matters shall be transacted at a special meeting unless the special meeting is specifically called for that purpose.

b. Special meetings called by the Membership

The Executive Board shall call a special meeting upon receiving a written request of two-thirds (2/3) of the membership.

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**Section 4. The Conduct of Special Meetings**

- a. A special meeting will be informative in nature and will specifically address the purpose(s) for which it is called. This limitation is necessary to ensure that the topic(s) of the meeting are properly presented to the membership without the distraction of a larger agenda.
- b. If a special meeting is called that requires a vote of the general membership, the special meeting will be recessed to accomplish the vote. The results of the vote will be announced before the special meeting is adjourned.

**ARTICLE VII**

**OFFICERS AND DUTIES**

**Section 1. Officers**

The officers of PHPA shall be the a President, a Vice President, a Recording Secretary, a Secretary/Treasurer, and Trustee/Shop Stewards, as required. These elected officers shall constitute the Executive Board. Officers, who are temporarily unavailable to perform the duties of their office due to annual leave, illness or for another legitimate reason, may delegate their duties to the next ranking officer. Flight Representatives are not members of the Executive Board but are considered officers of the Local Union and assist their Division Trustee/Shop Stewards and the Executive Board as required.

**Section 2. Terms of Office**

- a. The terms of all officers will be for two (2) years effective the 2<sup>nd</sup> Thursday of October. The officers will be elected as per Appendix A election cycles.
- b. Trustee Term

One Trustee/Shop Steward seat will be elected from each division or bargaining unit with more than thirty (30) bargaining unit employees assigned. Those units with less than thirty bargaining unit employees will be represented by a Trustee at Large. The Trustee/Shop Stewards will be nominated and elected by members of their division(s) in accordance with the provisions of

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Article IX. Should a Trustee/Shop Steward transfer from one division to another, his seat will be declared vacant and a replacement Trustee/Shop Steward from the division concerned will fill the remaining term of office as per Section 10,c, below.

- c. The office of Flight Representative has no term of office limitation.

**Section 3. The Duties of the President**

It shall be the duty of the President to preside at all meetings; to preserve order during deliberations; to sign all orders on the Treasury when ordered by PHPA; to appoint chairpersons of committees or to create committees as necessary to meet the specific needs of PHPA. The President shall be a ex-officio member of all committees and represent PHPA in all counsels and labor bodies with which PHPA may be affiliated. The president shall transact such other business as may be of right pertaining to the President's office and which may be necessary for the proper functioning of PHPA. In the absence of an elected flight representative, the President may appoint a member to fill a vacant position. The President shall ensure that the collective bargaining agreement and any modification(s) of it will be forwarded to the President of OPEIU.

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**Section 4. The Duties of the Vice President.**

The Vice President shall perform the duties of the President; in the absence of that officer, to sign all orders on the treasury when ordered by PHPA and, in the case of the resignation or death of the President, he shall assume the office of the Presidency. The Vice President shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge the duties of the Presidency.

**Section 5. The Duties of the Recording Secretary.**

The Recording Secretary shall keep a correct record of all union meetings and of all meetings of the Executive Board of the Local Union. He shall ensure that each officer of PHPA has a current copy of the Bylaws.

**Section 6. The Duties of the Secretary-Treasurer.**

The following subsections describe the responsibilities of the Secretary-Treasurer. The Secretary- Treasurer will comply with the duties and responsibilities described in the OPEIU Constitution in addition to the following duties

- a. The Secretary-Treasurer shall keep all financial accounts of PHPA and shall maintain correct and proper accounts of all its members; collect all financial obligations due from members of the Local Union; make all disbursements for the Local Union; keep a correct record of all monies received and expended, and prepare financial statements by calendar months to be examined by the Trustees/Shop Stewards and report account balances to the membership.

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- b. The Secretary-Treasurer shall be properly bonded by a bonding company and under bond approved by PHPA. The Secretary-Treasurer shall deposit all funds of the Local Union in a bank recommended by the trustees. The Secretary-Treasurer shall submit all books and records to the Trustees/Shop Stewards for audit and approval whenever called upon to do so, and upon the expiration of the term of office, turn over to the successor all properties and assets including funds, books and records of the Local Union. Before turning over such properties and assets to a successor, the Secretary-Treasurer must see to it that the new officer is properly bonded.
- c. The Secretary-Treasurer may be required to perform other financial record keeping duties at the direction of the Executive Board or the general membership.

**Section 7. Duties of the Trustees/Shop Steward**

- a. The Trustees/Shop Stewards shall examine each check issued by the Local Union and compare it to a receipt. Missing receipts or discrepancies, in the Trustee/Shop Steward audits, shall be submitted to the Executive Board by the Trustees/Shop Stewards. The Executive Board will make a determination subject to the approval of the membership. The Trustees/Shop Stewards shall periodically, at least quarterly and at the end of each fiscal year, make an audit of the all books and financial records of the Local Union and shall report to the membership their findings. The Executive Board may have the audit conducted by a certified public accountant.
- b. The Trustee/Shop Steward shall have the following additional responsibilities:

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- (1) Organize and meet with their division Flight Representatives formally or informally at least once monthly to keep abreast of the labor issues in their respective flights and division. The location and time of these meetings shall be determined by the Trustee/Shop Steward.
- (2) Coordinate with the Executive Board for the replacement of any Flight Representative who resigns or fails to fulfill the duties of his office.
- (3) Train/educate the Flight Representatives with the assistance of the Executive Board and of the OPEIU, on matters pertaining to the CBA.
- (4) Keep the Flight Representatives informed.
- (5) Review potential employee grievances with Flight Representatives.
- (6) Collect information and perform special tasks as assigned by the Executive Board.

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- (7) The Division Trustees/Shop Stewards provide oversight by auditing the checkbook/receipts monthly and Trustee Report to OPEIU quarterly. The Trustees/Shop Stewards report their findings to the membership during the monthly General Membership Meeting.

**Section 8. The Flight Representative**

- a. The Flight Representative will serve their assigned flight as an official of the Local Union. Their duties will include, but are not limited to the following:
  - (1) Recruiting new employees for membership in the Local Union.
  - (2) Attending Local Union meetings and reporting back to his flight the actions of the Local Union.
  - (3) Educate their assigned flight concerning the requirements of the CBA and ensure that the provisions of the CBA are not violated. The Flight Representative will report violations, or suspected violations of the CBA to their division Trustee/Shop Steward or the Executive Board.
  - (4) Educate his flight concerning the grievance procedures.
  - (5) Serve as a Weingarten witness for any employee who has been accused of violating company directives, and shall assist the members of his flight in the grievance process.
  - (6) Report as required any information requested by the Executive Board.

**Section 9. Vacated Offices.**

An office may become vacant by any of the following means.

- a. An officer may resign his office at any time.
- b. If an officer absents him/herself from three (3) successive regular scheduled meetings without a satisfactory excuse the Executive Board may declare the office vacant.
- c. An officer may be removed from office in accordance with Article XV and XVI.

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**Section 10. Filling Vacant Offices**

- a. If the offices of the President and Vice President, or should two or more positions on the Executive Board, become vacant at the same time, the remaining officers of the Executive Board may call a special meeting, or may schedule nominations for the vacated offices during the next monthly membership meeting. The election of the replacement officers shall be conducted on the day of the next regularly scheduled monthly meeting and the new officer(s) will take office

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immediately. The newly elected officer(s) will serve the remainder of the term of office to which they are elected.

- b. With respect to a. above, should the office of the President become vacant, the Vice President shall assume the duties of the Presidency as per Section 3 above and the Executive Board may call a special meeting of the membership, or may schedule nominations for the office of the Vice President during the next monthly membership meeting. The election of the replacement Vice President shall be conducted on the day of the next regularly scheduled monthly meeting and the new Vice President will take office immediately. The newly elected Vice President shall serve out the remaining term of office.
- c. Vacancies in the offices of Secretary-Treasurer, Recording Secretary, and Trustee will be filled as follows.
  - (1) If less than six (6) months remain for the term of the vacated office, the Executive Board will appoint a member in good standing to fill the remainder of the term of office.
  - (2) If more than six months term of office remains, the Executive Board will accept nominations from the membership at a special or monthly membership meeting. The election of the replacement officer shall be conducted on the day of the next regularly scheduled monthly meeting and the new officer will take office immediately. The newly elected officer(s) will serve the remainder of the term of office to which they are elected.
- d. The electronic election process will conform to the procedures outlined in Article X and Appendix D.
- e. PHPA, Local 102 reserves the right to conduct elections and balloting using the manual (paper) balloting process outlined in Appendix E. Every effort will be utilized to conduct the balloting and election process via electronic means to ensure timely effective and efficient use of PHPA assets and resources.
- f. Vacant Flight Representative positions will normally be filled by a majority vote within the flight. The President or the Executive Board may appoint a Flight Representative for a flight in order to fill a vacant position.

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**ARTICLE VIII**

**THE EXECUTIVE BOARD**

**Section 1. Authority**

- a. The Executive Board shall attend all matters referred to it by the Local Union, including grievances. It shall suggest remedies for immediate and permanent benefit and it shall make a report at each regularly scheduled meeting. It shall keep a record of its proceedings and it has the right to call a special meeting of the Local Union.
- b. The authority of the Executive Board is necessarily broad. Specific actions and responsibilities of the Executive Board are defined throughout the Bylaws. The lack of any specific authority granted to the Executive Board shall not be construed as a limitation upon its authority to pursue the goals of PHPA.

**Section 2. Executive Board Meetings**

The Executive Board shall meet when the business of the Local Union requires attention. The jurisdiction of the Executive Board includes, but is not limited to; Collective Bargaining Agreement negotiations and any subsequent modification of a CBA, or matters that pertain to labor law, or other unforeseen situations that might occur prior to the normal schedule of collective bargaining. Modifications to the CBA will be in accordance with Article IV, section 2b.

**Section 3. Discipline**

The Executive Board shall investigate all accusations brought against any member or officer of PHPA and report its findings to the membership of PHPA as provided in Article XV.

**Section 4. Strike Authority**

The Executive Board will be sole authority to call for strike action and only when that authority has been secured from the membership by a secret ballot.

**ARTICLE IX**

**THE NOMINATION OF OFFICERS**

**Section 1. Eligibility for Office**

No member shall be eligible to hold any office in PHPA who has not been a member in continuous good standing for a period of one (1) year. "Continuous good standing" is defined as being dues current for the twelve (12) months prior to nomination for office and meeting the requirements of Section 3, a.(1) for the same 12 month period. No member shall be a candidate for more than one office.

**Section 2. Nominations**

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- a. Nominations for the officers of PHPA will be held at the monthly general membership meetings in June, July and August annually. No member can be a candidate for more than one office.
- b. At the close of nominations, and no more than seven (7) days later, the list of nominees and the offices for which they are candidates, will be posted to the PHPA website.

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**Section 3. Campaigning for Office**

During the meetings for the nomination of officers, each candidate will be allotted ten minutes to present their platforms to the membership. Additionally, each candidate will be allowed to include a platform statement to be mailed out with the monthly newsletter or to be posted on PHPA website.

**Section 4. Flight Representatives**

Flight Representatives, can be elected by members of their respective flights at any time during the year.

**ARTICLE X**

**ELECTIONS**

**Section 1. The Conduct of Elections**

- a. PHPA, Local 102 will conduct all balloting via secure electronic means as outlined in Appendix D. However, PHPA, Local 102 reserves the right to conduct elections and balloting using the manual (paper) balloting process outlined in Appendix E.
- b. Election Officials

At the regular meeting prior to the scheduled election date, the President will nominate election officials as outlined in the appropriate election/voting Appendices. The nomination of these election officials will be approved by a majority vote of the regular members in attendance at that regularly scheduled meeting. No candidate for any elected office may serve as an election official.

- c. Election Dates

The election of the officers of PHPA will be conducted primarily via secret electronic ballot on the Wednesday and Thursday prior to the scheduled general membership meeting in September as designated by the Executive Board. Balloting will commence at 0800 CDT on Wednesday and will conclude at 1800 CDT on Thursday. All other elections will be announced and scheduled by the Executive Board.

**Section 2. Voting**

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a. Eligibility

- (1) A secret ballot may be cast by any regular member in good standing during the hours scheduled for such election as specified by the Executive Board Confirmation of membership in good standing will be with respect to Article V, Section 3, a (1).
- (2) Additionally a member may present as proof of good standing a receipt of dues payments or their pay stub deduction. Documentation must be presented to the PHPA Office Manager prior to the closing of balloting.

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b. Challenged Ballots

- (1) It is recognized that some discrepancies in accounting may exist that could cause a member's good standing to be questioned.
- (2) The PHPA Office Manager will ensure members challenged successfully will be added to the voter eligibility listing prior to closing of balloting.

c. Absentee Ballots

- (1) With the advent of electronic balloting, the need for absentee balloting does not exist. All members, regardless of their work status at the time of balloting, have ample opportunity to vote via electronic ballot.
- (2) With manual (paper) ballots refer to Appendix E, section 2.

d. Proxy voting

Proxy voting is prohibited by federal law.

**Section 3. Counting the Ballots**

a. Where Counted

The ballots for elected offices will be counted at the September monthly membership meeting.

b. Challenged Ballots

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Challenged ballots will be certified in accordance with the appropriate balloting annex.

c. Absentee Ballots

Absentee ballots will be handled subject to the procedures as outlined in the appropriate Appendix (D or E).

d. Announcing the Results

Upon completion of the count, the Election Judge shall announce the results. Unless otherwise specified, the results of an election are effective immediately and the Election Judge will forward the results to the PHPA Office Manager for safe keeping for a period of not less than one year.

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**ARTICLE XI**

**FINANCES**

Financial Assets

The financial assets of PHPA are for the benefit of its membership and all of the expenditures of the Local Union shall be used for that purpose only. All expenditures shall be made by check signed by the Secretary-Treasurer and countersigned by the President, Vice President or the Recording Secretary. The Executive Board has the authority to authorize a petty cash fund from which expenditures can be made. The regular income of PHPA shall be derived from initiation fees, dues, fines and assessments, interest from accounts in financial institutions and from the sale of Local Union products.

**Section 2. Fees and Other Obligations**

The initiation fees, reinstatement fees and other obligations owed by the Local Union to OPEIU shall constitute a preferred claim and must be promptly paid by the Local Union each month prior to the payment of any other obligation.

**Section 3. Reimbursement**

Every member performing official duties of PHPA shall be reimbursed upon proper presentation of bills and receipts to include the member's daily rate of pay. A budget to cover lodging, meals consumed, rental car or mileage allowances for POV use and travel expenses will be determined by the Executive Board prior to the Local Union's participation in any labor council, conference or meeting. Expenditures above those budgeted will be reviewed by the Executive Board and reimbursed upon proof that such expenses were necessary and unavoidable. The current per diem and mileage allowances will in accordance with the IRS deduction tables.

**Section 4. Expenditures**

The Executive Board is authorized to approve monthly expenditures of up to one thousand (\$1000.00) for goods and services over and above normal monthly office expenditures. Emergency expenditures which exceed this amount may be approved by the Executive Board and will be briefed to the membership at the next monthly meeting. Emergency expenditures include but are not limited to actions necessary to secure the value and to prevent damage to the Union's property in any unforeseen circumstance.

**Section 5. Bonding**

All officers and officials of PHPA shall be bonded as required by federal law. Bonding fees will be paid by PHPA. Bonding procedures must be initiated no later than thirty (30) days following the installation or appointment of officers.

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**ARTICLE XII**

**THE COMPENSATION OF OFFICERS**

Salaried Positions

The President, Vice President, Recording Secretary, the Secretary Treasurer, Trustees/Shop Stewards and those members appointed by the Executive Board or by a vote of the membership who serve the Local Union with their special talents, will each be paid a salary with all appropriate state and federal tax withholding. The salary amounts will be determined by majority vote of the membership during the regularly scheduled meeting in June. The salary amounts will be recorded in the minutes of the meeting and will become effective with the installation of officers in October. In this respect, the amendment provisions of Article XVIII do not apply. The current salary amounts are attached as Appendix A of these Bylaws.

**Section 2.** No officer may draw more than one salary. **Section 2.** The Formation of Committees

- a. A committee shall have no fewer than three (3) members who serve at the direction and the discretion of the Executive Board.
- b. The formation of a committee will be accompanied by a detailed, written explanation of the committee's purpose, funding, reporting and suspense dates

**Section 3.** Committee Reports

Each committee will report as necessary to the President or to the Executive Board and to the membership when requested. Committee chairmen will notify the President of the needs of their respective committees. The President will be informed of the meeting schedule of all committees so that he can attend the meetings if he desires.

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**Section 4. Dissolution of Committees**

All committees except the permanent committees will be dissolved when committee report to the Executive Board or to the membership has been accepted.

**ARTICLE XIII**

**COMMITTEES**

The President or the Executive Board shall appoint members to committees from a roster of volunteers who show interest in serving the Union as committee members. The President or the Executive Board shall designate a chairman for each committee. The President will serve as an ex-officio member of each committee. There are two types of committees, permanent and temporary. Current active committees are listed in Appendix B.

**Section 1. Permanent Committees**

The following committees are permanent committees that will meet and report to the Executive Board upon request.

- a. The Scholarship Committee
- b. The Bylaws Committee.

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**ARTICLE XIV**

**STRIKES**

**Restrictions**

While it is in effect, the CBA is the controlling document regarding strike action. The language of the CBA usually prohibits strike action by PHPA and lockouts by the Contractor. All disagreements between PHPA and the Contractor will be resolved by the grievance procedures outlined in the CBA and as afforded by federal law.

**Section 2. Strike Authority**

It is recognized that the possibility exists that a negotiated CBA may not be ratified by the general membership and that the effective period of the old CBA may be allowed to expire. It is also recognized

**Section 1.**

that the contractor may not negotiate a new CBA in good faith thereby ignoring the legitimate concerns of the membership of PHPA. Under these circumstances the membership may find that it is in their best interests to call for a vote to strike. Strike action shall be voted upon by the general membership by secret ballot. Strike action is an authority granted to the Executive Board by the general membership. No member or members are authorized to strike independently.

**Section 3. Strike Termination**

A strike may be terminated if a majority of the members of PHPA so request by secret ballot.

**ARTICLE XV**

**REMOVAL OF OFFICIALS**

**Section 1. Official Defined**

All officers, trustees, the Executive Board members, Flight Representatives and all members of standing committees are "officials" within the purview of this Article.

**Section 2. Chargeable Offenses**

Any official who has been found guilty of any of the following offenses shall be removed from office, and in addition may be expelled from membership, or be forever barred from holding any office in the Local Union.

- a. Dishonesty in the conduct of such office, fraud, corruption, accepting any bribes or the intimidation of any members.
- b. Abuse of office or gross negligence in the conduct of such office.
- c. Conduct unbecoming an official of this Local Union.
- d. The theft, misappropriation or the negligent use of Local Union property resulting in its loss or destruction.
- e. Divulging any confidential information concerning the business of the Local Union until such time as the Executive Board has reviewed and agreed to release such information to the general membership.

**Section 3. Impeachment Procedures**

a. By the Executive Board

The charges of impeachment may originate from the Executive Board.

b. By the Membership

No impeachment proceedings from the membership may be entertained unless there has been a petition filed with the Executive Board, signed by twenty-five percent (25%) of the members in good standing. The petition shall state the specific offense with which the official is charged, as well as a brief statement sufficient to apprise the signatories of the charge(s) being preferred.

c. By a Committee Chairman

Any committee chairman charged with the oversight of the financial assets of the Local Union may recommend impeachment procedures based upon the findings of its audits that indicate that fraud, misappropriation or negligence are evident.

**Section 4. The Trial Board**

The Executive Board shall act as the Trial Board in all proceedings under this Article. Any official under charges by virtue of impeachment petition shall be automatically barred from acting as a member of the Trial Board.

**Section 5. Conduct of the Trial Board**

The Trial Board shall follow procedures to comply with the rights of the accused and of the Local Union.

**Section 6. Trial Board Decisions**

The accused shall be found guilty or acquitted by majority vote of the Trial Board. The results of all Trial Board action shall be reported to the membership at a regular or special meeting.

**ARTICLE XVI**

**TRIAL BOARD PROCEDURES**

**Section 1. Due Process**

All trials shall conform to the procedures outlined in the OPEIU Constitution, these Bylaws, and in accordance with federal law. Any member brought up on charges is considered innocent until proven guilty and retains his rights as Local Union member until convicted of the charges against him. Matters relating

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to fraud, the theft of Local Union property or the misappropriation of Local Union property shall be dealt with in accordance with the laws of the state. Any accusation(s) by any member against another member or officer of the Local Union that are proven to be frivolous, malicious or false, will be grounds for the expulsion of that member from the Local Union.

**Section 2. The Responsibility of the Trial Board**

The Executive Board shall investigate all charges brought against any member or officer of the Local Union. At least four Executive Board members are required to conduct any investigation and no officer may participate as a member of the Trial Board who has an interest in the outcome of the Trial Board procedures. All charges or accusations must be submitted in writing to the Executive Board directly, or through the Recording Secretary.

**Section 3. Rights of the Accused**

An officer of the Local Union accused of misconduct shall not perform any of the duties of his office until the completion of the trial procedures. In all instances, the accused will be given a written copy of the charges against him either directly, or by registered mail. The accused will be given thirty days (30) to prepare his defense and to appear before the Executive Board to answer the charges against him.

**Section 4. Verdicts**

As allowed by the evidence, the Executive Board may find the accused guilty or innocent. In either case the Executive Board will call a Special Meeting of the membership to present its findings and recommend to the membership whether the accused should be suspended, expelled or fined by the Local Union. The membership present at the meeting shall vote concerning the recommendations of the Executive Board. Two-thirds (2/3) of the members present must vote for the member to be expelled from the Local Union.

**ARTICLE XVII**

**PROHIBITED ACTIVITIES**

**Section 1.** In any case involving disciplinary action there shall be no resort to a court of law until such relief with the Local Union Bylaws and the OPEIU Constitution under has been exhausted.

**Section 2. Offenses Defined**

**3. Punishment**

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Any member who has been found guilty of any of the above offenses by the Trial Board of the Local Union may be expelled from the Local Union.

**ARTICLE XVIII**

**AMENDMENTS**

The following procedures shall be followed when amending the Constitution and Bylaws.

**Section 1. Proposing an Amendment**

A proposed amendment to the Constitution and Bylaws will be introduced by the Executive Board, or by a petition containing twenty-five percent (25%) of the signatures of the Local Union membership. An amendment must specifically address an article or section of the Bylaws and the reason for the change. If no existing article or section exists, the proposed change will be offered as a new article, or as a new section to an existing article.

**Section 2. Proposed Amendment Readings**

- a. The proposed amendment change(s) or proposed new amendment will be reviewed and debated by the Executive Board. The Executive Board may refer the proposed change(s) or new amendment to the By Laws Committee for further study and recommendation. The proposed change(s) or new amendment will then be posted to the PHPA Local 102 website for review by the general membership.

- b. First Reading

The proposed amendment will be read to the members in attendance at a regularly scheduled meeting. The proposed amendment may be debated and modified at that time. After the debate has been closed and the form of the proposed amendment has been accepted by a majority vote of the members present, the proposed amendment will be read into the minutes of that meeting. This action constitutes the proposed amendment's first reading. Any modifications to the proposed amendment change(s) or proposed new amendment will be posted to the PHPA Local 102 website for general membership review.

- c. Second Reading Without Changes

At the next regularly scheduled meeting, the proposed amendment will be read to the membership a second time. If the amendment is accepted without any modifications at its second reading, the

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presiding officer will call for a vote on the proposed amendment. The amendment will be approved for a vote by the general membership with a two-thirds (2/3) majority vote of those members present. The proposed amendment will be ratified or rejected by a special vote by the general membership. The special vote will take place on the day of the succeeding general membership meeting and will follow the procedures outlined in Appendix D or E, as appropriate.

d. Second Reading With Changes

If a proposed amendment is modified in any way at its second reading, and the modified proposed amendment is approved by a majority of those members present, it will be read into the minutes.

This action will constitute the first reading of the proposed amendment. The proposed amendment cannot be subsequently modified or amended. The new change(s) to the amendment will be posted to the PHPA website for review by the general membership. The proposed amendment will be read at the next regularly scheduled meeting and will be approved for a vote by the general membership on a two-thirds (2/3) majority vote of those members present. The proposed amendment will be ratified or rejected by a special vote by the general membership. The special vote will take place on the day of the next succeeding general membership meeting and will follow the procedures outlined in Appendix D or E, as appropriate.

**Section 3. Amendment Ratification**

If the proposed amendment is ratified by the membership, the Recording Secretary will ensure that the Bylaws are updated to reflect the new amendment and will publish the change(s) for the membership. Each page of the Constitution and Bylaws will show the date that it was ratified and all changes to the original document will be posted in an inactive file. The dates of the minutes of the meetings when the change(s) were proposed and the membership vote which changed the By Laws will be annotated with the original document so as to provide easy historical access to the change(s).

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**ARTICLE XIX**

**OTHER BARGAINING UNIT EMPLOYEES**

Due to the differences in Federal Law governing Service Contract work, PHPA, Local 102 in conjunction and with the assistance of OPEIU, will accept into the membership of Local 102 Service Contract charter organizations too small to be organized as their own OPEIU local union. Currently the minimum bargaining unit size is any unit with less than 150 employees. Chartered bargaining units will be accepted into Local 102 and will adhere to the membership requirements of these Bylaws and will enjoy all of the privileges of membership and Executive Board participation as defined in the agreement of affiliation between Local 102 and OPEIU and the charter bargaining unit. Letters of agreement for all affiliated charter locals are attached in the appendices.

**END OF ARTICLES**

**APPENDIX A**

**Compensation of Officers**

The list below shows the monthly compensation of the Union officers.

President	\$ 1000.00
Vice President	\$ 750.00
Secretary-Treasurer	\$ 600.00
Recording Secretary	\$ 600.00
Trustee/Shop Steward (5)	\$ 200.00
Flight Representative *Must attend monthly meetings	\$ 50.00* dues rebate*
Information Technology Specialist	\$ 100.00
Grounds Keeper	\$ 100.00
Janitor (Partial months will be prorated)	\$ 200.00

**Officer(s) Term of Office (Flow)**

**Implementation**

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Even Year election Cycle

President

Secretary/Treasurer

Advance Division Trustee  
/Shop Steward

Trustee at Large  
Article 7, Section 2. A

Trustees at Large for Affiliated Bargaining Units Determined by Unit.

Flight Representative(s) Determined by Flight

Odd Year Election Cycle

Vice President

Recording Secretary

Primary Division Trustee  
/Shop Steward

BWS Division Trustee per  
/Shop Steward

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**APPENDIX B**

**COMMITTEES**

**PHPA/LOCAL 102 Scholarship Program Committee**

Committee Formation.

The Executive Board shall select the initial three (3) Scholarship Committee members. The term of office shall be designated as one three (3) year term, one two (2) year term and the remaining position as a one (1) year term. Thereafter one committee member shall be elected by the membership alternately each year.

Restrictions to Committee Membership.

Members of the Scholarship Committee are prohibited from considering the scholarship applications of their family members. Family members are defined in the Scholarship Application Packet available at the Union office.

Committee Oversight.

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The committee chairman shall report to the Executive Board quarterly or other times as necessary, or when requested by the Executive Board. The committee chairman may report to the membership during any monthly meeting as necessary.

Scope and Funding.

The Scholarship Committee is tasked with the implementation and maintenance of the Professional Helicopter Pilots Association Local 102 Application Guidelines and Rules. Funding for the scholarship program will be two (\$2.00) dollars per member per month. Recommendations for the funding for the operation of the committee will be referred to the Executive Board by the committee chairman as soon as possible after the formation of the committee.

Vacated Positions.

The Executive Board shall appoint a member in good standing to fill vacated committee positions. The appointed member shall serve the remainder of the term of office to which he is appointed.

**PHPA Local 102 Bylaws Committee**

The Executive Board shall select a minimum of three (3) committee members. Ideally, a member from each division would be appointed to serve on the committee. The Recording Secretary shall be the chairman. The committee members shall serve until they resign or are replaced by the Executive Board.

Committee Oversight.

The Bylaws committee chairperson report(s) directly to the Executive Board, providing the Board with draft by laws changes and to report on the committee's progress. Bylaws Committee members are not authorized to announce proposed changes to the bylaws, or to report to any member or group of members. The Recording Secretary is the only authorized spokesperson for the committee and will brief the general membership as to the proposed changes when cleared to do so by the Executive Board. The recommendations for changes to the Bylaws are subject to modification by the Executive Board.

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Scope and Funding.

The Bylaws Committee is tasked to suggest updates and modifications to the Bylaws that are approved by the Executive Board, these will be submitted to the membership for ratification by a majority vote. The Bylaws will be reviewed annually to bring them into conformity with the OPEIU Constitutional changes that happen at every Triennial Convention and which are implemented according to a specific schedule. The ratification of the proposed amendments will be accomplished as close to the Local 102 annual election cycle as possible, but it is realized that immediate changes may be needed and ratified at other times. The Executive Board will determine how off cycle changes shall be ratified. No funding above the costs of the publication of new documents is anticipated.

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**Reports to the Membership**

The recording Secretary shall prepare and present to the membership the proposed change(s) and the rationale for the change(s) of the By Laws at the monthly membership meeting first reading.

**Vacated Positions.**

The Executive Board shall appoint a member in good standing to fill a vacated committee position.

**APPENDIX C**

**Other Bargaining Unit Employees**

This page to be used for Letters of Agreement (LOA's) signed with other bargaining unit for representation.  
Currently no other bargaining units exist.

## **APPENDIX D**

### **Electronic Balloting**

#### **Section 1. Why Electronic Elections.**

- a. **The use of Department of Labor approved electronic balloting is an effective means of ensuring all members have an equal opportunity to cast a ballot(s) during the annual election cycle. Electronic voting minimizes the cost, time and resources PPHA Local 102 must devote to the annual election cycle.**
- b. **Electronic balloting is defined as utilizing a Department of Labor approved, secure balloting application. All eligible members in good standing have their email address uploaded to the service provider. The service provider sends a discrete ballot(s) to each email address allowing only one vote per ballot.**
- c. **Once PPHA establishes the start and end time for the balloting, the service provider manages the balloting process.**
- d. **At the completion of the balloting period, the service provider provides a log of all voting, including the total number of ballots cast, ballots for each candidate, ballots for/opposed to referendums, etc. The service provider also provides a detailed copy of all email addresses that completed a ballot.**
- e. **The PPHA Office Manager may download an electronic copy for review and safeguarding. An electronic copy also remains on file with the service provider.**

#### **Section 2. Conduct of Electronic Balloting.**

**The conduct of elections for PPHA Local 102 will be in accordance with Article X of these Bylaws, as amended.**

#### **Section 3. The Electronic Election Process**

- a. **Electronic elections will be accomplished by using Department of Labor approved software applications.**
- b. **During the annual election period, the President will announce the election of officers will be accomplished by electronic balloting. An election judge will be nominated and**

approved by the membership present at the regularly scheduled general membership meeting prior to the election period.

- c. Nominations for vacating or vacant positions will be taken from the floor at the regularly scheduled monthly general membership meeting. Nominated members must accept or decline the nomination by the end of the nomination period thru the President.
- d. Three (3) weeks prior to the electronic balloting, the Officer Manager of PHPA will broadcast a blanket email to all members in good standing. All members will be required to reply to the blanket email as a means of verifying their current email address. (See Article V, Section 3, a., (1)).

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- e. The PHPA Office Manager will contact each member in good standing not responding to ascertain a viable email address for the election. Members without a viable email address will NOT vote.
- f. If a member does not receive the broadcast email and believes him/herself to be a member in good standing, it is the responsibility of the member to rectify the issue with the PHPA Office Manager prior to the commencement of balloting.
- g. Seven (7) days prior to the balloting, the PHPA Office Manager will compile a spreadsheet(s) with all viable email addresses for uploading into the DOL approved software application. A single spreadsheet will be used for all contested positions for President, Vice President, Secretary-Treasurer and Recording Secretary. Separate spreadsheets will be prepared for all contested positions of Trustee/Shop Steward.
- h. Spreadsheets for Trustee/Shop Stewards positions will be uploaded to the DOL approved software application and will only be forwarded, as ballots, to the members of the respective division.
- i. Three (3) days prior to balloting, the PHPA Office Manager will broadcast a blanket email to all members in good standing announcing the pending election.
- j. On the morning of the election, the PHPA Office Manager will again broadcast a blanket email to all members in good standing notifying them that the balloting has begun.
- k. At the completion of the balloting period, the PHPA Office Manager will broadcast an email message to all members in good standing that the balloting period has ended.

#### Section 4. Voting

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**a. Eligibility**

- (1) A secret ballot may be cast by any regular member in good standing during the hours scheduled for such election as specified by the Executive Board Confirmation of membership in good standing will be with respect to Article V, Section 3, a (1).
- (2) Additionally, a member may present as proof of good standing a receipt of dues payments or their pay stub deduction. Documentation must be presented to the PHPA Office Manager prior to the commencement of balloting and all discrepancies corrected prior to submission of the spreadsheets to the Department of Labor (DOL) approved election partner.

**b. Challenged Ballots**

- (1) It is recognized that some discrepancies in accounting may exist that could cause a member's good standing to be questioned.
- (2) The PHPA Office Manager will ensure members challenged successfully will be added to the voter eligibility listing prior to uploading the official spreadsheet to the service provider and commencement of balloting.

**D-2 c. Absentee Ballots**

With the advent of electronic balloting, the need for absentee balloting does not exist. All members, regardless of their work status at the time of balloting, have ample opportunity to vote via electronic ballot.

**d. Proxy voting**

Proxy voting is prohibited by federal law.

**Section 5. Election Verification.**

- a. Upon completion of the balloting process, the PHPA Office Manager will make available the electronic record and a hard copy of the electronic election results to the Election Judge.
- b. The Election Judge will compare ballots cast against total ballots cast as the first step in the checks and balances of the election. The election Judge will also certify voter eligibility.

**Section 6. Election Reporting.**

Announcing the results of the election will be in accordance with ARTICLE X, Section 3,  
c.

**Section 7. Safeguarding Election Results.**

- a. After announcing the election results, the Election Judge will give all election data to the PHPA Office Manager for safe keeping.
- b. The Office Manager will safeguard the hard copies for a minimum of one (1) year and the electronic copies for three (3) years. Election data includes, but is not limited to; the PHPA Master Voting List (spreadsheet uploaded to the software application), Ballot Cast Listing (spreadsheet downloaded from the software application used to verify the ballots), documentation concerning Challenge ballots, any other information used by the Election Judge in the performance of his duties.
- c. Electronic data may be stored on a thumb drive, DVD, or any other electronic means deemed appropriate by the PHPA Office Manager.

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**APPENDIX E**

**Paper Balloting**

**Section 1. The Conduct of elections and/or Paper Balloting**

- a. **Election Officials**

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At the regular meeting prior to the scheduled election date, the President will nominate the following election officials to monitor and tally the election results. The nomination of these election officials will be approved by a majority vote of the regular members in attendance at that regularly scheduled meeting. No candidate for any elected office may serve as an election official.

(1) One (1) Election Judge.

(2) Two (2) election tellers will man each ballot box during the hours of voting.

**b. Election Dates**

The election of the officers of PHPA will be conducted on the second Thursday of September at the time and places(s) designated by the Executive Board. All other elections will be announced and scheduled by the Executive Board.

**Section 2. Voting**

**a. Eligibility**

A secret ballot may be cast by any regular member in good standing during the hours scheduled for such election and at any balloting location specified by the Executive Board. The member will sign in with the election tellers who will confirm the member's identity and good standing in PHPA. Proof of good standing will be a documented payment of all dues as indicated by the Local Union printout of dues received. Additionally a member may present as proof of good standing a receipt of dues payments or their pay stub deduction. The member will then be issued a ballot. The member will secretly mark his ballot and will then place it in a secured ballot box in the presence of the election tellers.

**b. Challenged Ballots**

It is recognized that some discrepancies in accounting may exist that could cause a member's good standing to be questioned. A member who finds himself in this situation and who is unable to provide the proof of good standing cited above, will be allowed to vote. The member will mark his ballot and he/she will place the ballot in a sealed, "challenge envelope" with his printed name and signature over the seal. The ballot will not be counted until such time that the member's good standing has been verified by the election judge.

**E-1 c. Absentee Ballots**

It is recognized that the election date may be inconvenient to some members due to scheduled annual leave, funeral leave, incentive leave or other legitimate reasons. Regular members who find themselves unable to cast ballots on the scheduled election date may obtain an absentee ballot from the PHPA secretary no sooner than 10 days prior to the election date. The marked ballot will be placed in a sealed envelope and then secured in the business office safe until election date.

**d. Proxy voting**

Proxy voting is prohibited by federal law.

**Section 3. Counting the Ballots a. Where Counted**

The ballots for elected offices will be counted at the September monthly membership. The Election Judge will unlock all ballot boxes and with the assistance of the Election Tellers will oversee the counting of the ballots. The Election Judge will ensure that the number of ballots counted agrees with the number of ballots signed for on the election registers.

**b. Challenged Ballots**

The Election Tellers will present to the Election Judge any challenged ballots. The Election Judge will determine the challenged ballot's validity. If the challenged ballot is valid, the Election Judge will order the ballot counted. If the ballot is determined to be invalid, it will be set aside. The decision of the Election Judge concerning challenged ballots is final.

**c. Absentee Ballots**

The number of absentee ballots will be verified against the number of ballots signed out and the envelopes will be opened and their results tallied by the election judge.

**d. Announcing the Results**

Upon completion of the count, the Election Judge shall announce the results. Unless otherwise specified, the results of an election are effective immediately and the Election Judge will secure the ballots in a safe place for a period of not less than one year.

