

GENERAL INFORMATION

LOCAL CHARTER APPLICATION AND CHANGE OF JURISDICTION

Application for Local Charter (MLO-112)

Form MLO-112 is used when applying for a charter for a new CWA Local number. It is also used when a charter is revised to **reflect a change in company name only**. See Section 7.2 for further information on this subject.

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

However, if the group to be chartered is part of an existing Local, a Form MLO-113, Waiver of Local Jurisdiction, described below, must accompany Form MLO-112.

Waiver of Local Jurisdiction (MLO-113)

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

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

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

Expansion of Local Jurisdiction (MLO-114)

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

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

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

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

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

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

The above forms are maintained in stock at the Headquarters and District offices and are available upon request.

APPLICATION FOR LOCAL CHARTER - INSTRUCTIONS MLO-112

Article XIII, Section 2 of the CWA Constitution states:

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

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

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

The Vice President's office is to complete that portion of the form applicable to his office. An approval date, as well as the approving officer's signature, must be shown. If there is a preference for a Local number, this should be indicated; otherwise it will be assigned by the Secretary-Treasurer's office.

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

Form MLO-112 has four copies: white, yellow, pink and goldenrod. The white, yellow and pink copies are forwarded to the Vice President of the District. His office completes that portion of the form applicable to them and forwards the original white, with the Vice President's recommendation, to the CWA Secretary-Treasurer. The pink copy is returned to the Local showing the District's approval. The goldenrod copy of Form MLO-112 is retained for the Local files.

Accompanying the charter application form should be the following:

1. A copy of the Local's bylaws (be certain that they include the date of adoption).
2. A list of the names and addresses of the Local officers (the number of officers should conform to the number called for in the bylaws).
3. Form letter MLO-106, executed by one of the Local officers, requesting that they be added to the IRS group exemption roster. (See Section 11.12 of the UOPM.)
4. Request for Labor Organization Bond coverage. (See Section 5.1 of the UOPM.)
5. A copy of the preliminary **OLMS** Report Form LM-1 (See Section 11.4 of the UOPM.) Since the bylaws will have been adopted and accompany the charter application form, the LM-1 which calls for bylaw information can be completed and filed with the Labor Department. A copy of that form should be sent to the International with the above material.

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

It is requested the aforementioned items accompany the charter application. This will preclude repeated follow-ups by the International to secure the information. The new Local will also have the advantage of being in immediate and full compliance with the CWA Constitution and federal agency regulations.

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

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

If a District is holding Local numbers in reserve, the Secretary-Treasurer must be advised of these numbers to prevent their being assigned to another unit where no Local number preference is given.

The charter application form and its accompanying material must be forwarded to the International Secretary-Treasurer, following the lines of procedure established in your District. Do not forward the form directly to the International. This will only delay the issuance of the Local charter.

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

APPLICATION FOR LOCAL CHARTER - FORM

MLO-112

WAIVER OF LOCAL JURISDICTION - INSTRUCTIONS MLO-113

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

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

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

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

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

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

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

Form MLO-113 has four copies: white, yellow, pink and goldenrod. The white, yellow and pink copies are forwarded to the Vice President of the District. His office completes that portion of the form applicable to them and forwards the original white, with the Vice President's recommendation, to the CWA Secretary-Treasurer. The pink copy is returned to the Local showing the District's approval. The goldenrod copy of Form MLO-113 is retained for the Local files.

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

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

If the waiver is for the purpose of recalling a Local charter, a terminal financial report must be filed with the Labor Department with a copy forwarded to the International for their records. The terminal financial report is OLMS Form LM-2 or LM-3, as appropriate. (See Sections 11.5 and 11.6 of the UOPM.)

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

Section 7.3A
International/Local
(05/93)

WAIVER OF LOCAL JURISDICTION - FORM

MLO-113

EXPANSION OF LOCAL JURISDICTION - INSTRUCTIONS MLO-114

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

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

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

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

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

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

Form MLO-114 has four copies: white, yellow, pink and goldenrod. Complete the information called for, citing the jurisdiction as it should appear on the charter. Five signatures are required, two of which must be Local officers. Below the signatures is a space to insert the date the form is signed.

Transmit the original white, yellow and pink copies to your Vice President. The goldenrod copy is to be retained for the Local files.

The Vice President's office completes that portion of MLO-114 applicable to his office (i.e., date approved, by whom and effective date of the expanded charter which should be the first day of the month). If an effective date is not indicated, it will be assigned by the Secretary-Treasurer's office.

The original white copy is transmitted to the International Secretary-Treasurer together with the Vice President's recommendation. The pink copy is returned to the Local showing the District's approval.

If a Local is expanding its jurisdiction as the result of merger, a determination must be made by the Local officers as to whether they have sufficient Labor Organization Bond coverage to insure the combined assets of both Locals. See Section 5.1 of the UOPM for further details.

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

EXPANSION OF LOCAL JURISDICTION – FORM

MLO-114

ORGANIZING COMMITTEES

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

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

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

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

In a memorandum to the International President, outline:

1. The purpose of the Organizing Committee.
2. The exact jurisdiction language as it is to appear on the face of the charter.
3. The Organizing Committee number requested to be assigned. The last two digits of Organizing Committees are 55 through 59. Example: O.C. 01355. The "01" indicates the District; the "3" indicates the state in the District; and the "55" indicates and Organizing Committee.
4. The name and address of the Chair of the Organizing Committee (generally a staff person).

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

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

If approved, the Secretary-Treasurer's office will then issue a charter and associated paperwork, request an Employer Identification Number from IRS for the unit and add the Chair to the Local President's mailing list.

The Organizing Committee Chair may or may not be required to file LM reports, depending upon the receipts and disbursements of the committee. The Chair, however, will be required to file, annually, IRS Form 990 due by the fifteenth day of the fifth month after the fiscal year ends (currently November 15 of each year).

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

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