



Duties of the Local President

This is what the SMART Constitution says...

Article Twenty-One B (21B) SECTION 59 – DUTIES OF THE LOCAL PRESIDENT

The President shall preside at all meetings of the Local, enforce the provisions of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs. The President shall decide all questions of law and order, subject to appeal to the Local by any two (2) members. He/she shall appoint a majority of all committees and shall sign all documents that require authentication.

The President shall see that the Local officers respond to inquiries from the International and shall, with the Secretary and/or Treasurer, file all reports required of Locals by Federal, State or local laws, and countersign all disbursements issued by check or draft.

The President may speak on any subject before the Local but he/she may not vote except, in case of a tie vote, on a matter upon which he/she is otherwise eligible to vote shall cast the deciding ballot.

Article Twenty-One B (21B) SECTION 48 – LOCAL FUNDS

Each Local shall maintain a Local fund to pay the expenses of the Local, by levying Local dues on all in-service members. The amount of Local dues shall be established by the members present, voting by secret ballot, when the Local is organized.

No change in Local Committee dues, the daily rate or salary established for Local Officers or Legislative Representatives, or the levying of a special assessment may be considered until such proposition has been read at one (1) regular or special meeting and all members working under the jurisdiction of the Local Committee have been notified of the proposition and date on which the proposition will be considered. Any proposition to change Local dues, daily rate or salary of Local Officers or Legislative Representatives, or to levy a special assessment must be approved by a majority vote of the members, voting by secret ballot, who are in attendance when the proposition is considered.

Each Local shall maintain a Local Committee fund to pay the cost of representation by the Local Committee of Adjustment by levying Local Committee dues, as established by the members present under its jurisdiction, voting by secret ballot, when the committee is established.

No change in Local Committee dues, the daily rate or salary established for Local Committeepersons, or the levying of a special assessment may be considered until such proposition has been read at one (1) regular or special meeting and all members working under the jurisdiction of the Local Committee have been notified of the proposition and date on which the proposition will be considered. Any proposition to change Local Committee dues, daily rate or salary of Local Committeepersons, or to levy a special assessment must be approved by a majority vote of the members working under the jurisdiction of the Local Committee involved, voting by secret ballot, who are in attendance when the proposition is considered. The effective date of any increase in Local, Local Committee of Adjustment dues, or special assessments must coincide with the requirements of any check off of Union Dues Agreement in effect.

Article Twenty-One B (21B) SECTION 49 – PAYMENT OF DUES AND ASSESSMENTS

The Local Treasurer, in cooperation with the Local President and the Local Chairperson involved, will maintain a close check of the roster of members who are relieved from the payment of full dues and assessments under the provisions of this Section with a view towards avoiding the abuse of this privilege.

Article Twenty-One B (21B) SECTION 55 – TIME AND PLACE OF MEETING

A Local shall hold at least one regular meeting each month at the time and place specified in its bylaws.

Special meetings may be called by the President of the Local and the purpose thereof must be stated. The President shall call a special meeting, upon receipt of written request of five (5) members in good standing, stating the purpose for which the meeting is requested.

Article Twenty-One B (21B) SECTION 57 – ELECTIONS IN LOCALS

Local Officers, Committeepersons, Legislative Representatives and Delegates, upon leaving office must promptly transfer all property, funds, securities, equipment and other effects of their office to their successor.

Article Twenty-One B (21B) SECTION 77 – CONDUCT OF LOCAL MEETINGS

Meetings of the Local shall be opened by the President...

Putting the SMART Constitution into practice...

1. Make sure that you and the Treasurer are the only ones who are signers on all bank accounts that belong to the Local, and that you and the Treasurer are the only ones who have online access (if not sure call the bank and ask). Don't rely on the Treasurer to tell you this, you should get this information directly from the bank(s).
2. Make sure you get a copy of all bank statements every month directly from the bank, if possible, or your own online access. Don't get copies from the Treasurer.
 - a. Make sure that, along with the bank statements, you have images of all canceled checks (front and back). Examine each check image and be sure that you cosigned each one.
 - b. You should review the bank statements and review every transaction on each statement. If the Local has more than one account, examine the statements for withdrawals. If a withdrawal is made from a savings or investment account, you should see a deposit for the exact same amount to the checking account. Only money belonging to the Local fund should be held in ancillary accounts.
 - c. You should make sure that all receipts have been deposited into the checking account. If you don't see at least one deposit from the carrier or SMART TD every month, ask the Treasurer why and report that to the members at the Local's next meeting.
 - d. You should review all disbursements and make sure you know what the purpose for each was and what it was for. If you see something that you didn't know about, ask the Treasurer what it is. If you are not comfortable with the answers you are getting from the Treasurer, then call the Field Audit & Support Department at SMART TD (216-228-9400) and ask what to do.
 - e. Any electronic transactions made from the Local's bank account to the IRS (or any state/municipal tax authority) are OK. Others are not. The President should question the Treasurer about electronic transactions on the bank statement. What were they for and why didn't the Treasurer write a check? Only a check can be cosigned as the SMART Constitution requires.
 - f. You should look for cash transactions. The Treasurer should not handle cash. There should be no cash deposits or withdrawals. A President should never cosign checks made out to "cash".
 - g. Debit or credit cards are not allowed EVEN if the bank issues you one. The debit or credit card should be destroyed. You should not see any debit card transactions on the bank statements.
 - h. Work with the Local Treasurer to submit the Local President Financial Oversight form to the SMART TD office on an annual basis.
3. Make sure there are no credit cards in the Local's name nor are loans to be made in the name of the Local.
4. Have a basic understanding of fund accounting and how it is applied to Local and LCA funds.

5. Make sure compensation and expenses have been properly approved by the appropriate body of members.
 - a. Make sure you have a copy of the Local's bylaws and/or any minutes that memorialize salaries. Make sure they are complied with.
 - b. Ensure salaries for Local Chairpersons have been memorialized in monthly meeting minutes in accordance to Article 21B, Section 48
 - c. Be familiar with the memo regarding five (5) signatures when a quorum of Local committee members is not present at the meeting to approve bills of allowance for a Local committee. (See memo dated March 9, 1979, to Local 631)
6. Understand the two-meeting process as outlined in Article 21B, Section 48, and know when to apply it.
 - a. When increasing or decreasing Local OR LCA Dues
 - b. When increasing or decreasing the daily rate or salary established for Local OR LCA Officers
 - c. Charitable and social spending under \$1,200
 - d. When levying a special assessment
 - e. When amending or establishing Local bylaws
 - f. All the above MUST be approved by a majority vote of the members working under the jurisdiction of the Local Committee involved.
 - g. All the above must be voted by secret ballot, who are in attendance when the proposition is considered.
7. You should cosign all disbursement checks by your hand. Do not use signature stamps or electronic signatures and never authorize anyone to sign on your behalf. Never pre-sign blank checks.
8. Before signing disbursement checks, ensure that proper authority has been obtained and that the disbursement does not jeopardize the condition of the fund it will pull from.
9. Understand what is to be reported in the Treasurer's report at the Local meeting each month.
 - a. Make sure the Treasurer is reporting all disbursements and every deposit to members at the Local meeting every month.
 - b. Assist the Local Treasurer and Local Chairperson involved in tracking which members qualify for E-49 status. The Treasurer is to read a roster of E-49 members at each meeting.
10. Get a copy of the Treasurer's report every month and file it. You should make sure copies of this report are kept secure. They should never be published anywhere like bulletin boards, websites or any other public place. A back up copy should be kept by the President in case SMART TD or the government asks to see them. These should be turned over to the next President when your term is complete.
11. Whenever possible, preside at all Local meetings and keep order at the meetings.
 - a. Make sure only one person is speaking at a time in the meeting to allow the Secretary to properly record the minutes of the meeting.
 - b. At the meeting, make sure every motion is repeated and recorded verbatim in the minutes.
 - c. Make sure only those who are eligible to vote cast a vote on any motion vote. If it is a Local issue, everyone eligible to vote votes. If it is an LCA issue, then only the eligible members of the LCA may vote on the issue.
12. Get a copy of the Local Treasurer Task List every year and keep track of all the completed tasks. When the Treasurer reports the tasks done at the Local meeting, mark it "done" on your list and record the date when the task was reported done. Keep a separate list than the one the Treasurer uses and keep it on file. This file should be part of the files you turn over to the next President.
 - a. Make sure the LM report has been completed and in balance before March 31st of every year. You should sign the report online and make sure it is submitted and that a copy goes to the SMART TD office.
 - b. Make sure IRS Form 990, 990EZ, or 990-N is filed every year by May 15th.
 - c. If the Local or LCA(s) pay salaries or lost time, payroll taxes must be paid and reported on. Make sure you are seeing tax payments on the bank statements and that the Treasurer is reporting that the tax returns are filed when necessary.
13. Work with the Local Treasurer to develop and manage an annual budget each year. Take time periodically throughout the year to gauge where you are at. Budgeting tools are available on the S&T Tools section of the SMART TD website.
14. Stay on top of all Local Officers as necessary to ensure their job responsibilities are met.

15. Work to fill all Local officer positions as outlined in the SMART Constitution to ensure a high level of fiduciary responsibility in the Local.
16. Attend workshops as necessary to better understand your role and the role of other officers in the Local. Support having other Local officers attend training by working to get funds in the budget and membership approval.

This what the Department of Labor says about a Local officer's role...

"The LMRDA imposes a duty on union officers to manage the funds and property of the union solely for the benefit of the union in accordance with its constitution and bylaws."