

RESTAURANT WORKERS UNITED

CONSTITUTION

Adopted May 30, 2022

ARTICLE 1: JURISDICTION AND PURPOSE

Section 1: Name

The name of this labor organization is Restaurant Workers United. In this Constitution, “RWU” and “the Union” refer to Restaurant Workers United.

Section 2: Constitution

This document is the official Constitution of Restaurant Workers United.

Section 3: Jurisdiction

Restaurant Workers United is a national union of restaurant and food service workers. RWU’s jurisdiction includes:

- all workers engaged in the preparation, handling, or serving of food and beverages in full-service restaurants; limited-service eating places; special food services, such as food service contractors, caterers, and mobile food services; and drinking places;
- other workers when the strength of a bargaining position requires their organization; and
- any other worker employed in any other industry or establishment when their organization is in the best interests of the Union.

Section 4: Purpose

The purpose of Restaurant Workers United is to advance the economic, social, and political interests of its members, their dependents, unorganized workers in its jurisdiction, customers, and the working class as a whole. To this end, RWU aims to:

- unite all workers within the restaurant industry, regardless of race, religion, creed, color, national origin, sex, age, disability, marital status, sexual preference or orientation, gender identification, or citizenship status;
- improve the pay and working conditions of these workers;
- establish and maintain collective bargaining throughout the restaurant industry;

- present and settle grievances against employers through any means necessary, including action like strikes and boycotts;
- assist other labor organizations in organizing workers in other industries and any other activities that strengthen the labor movement as a whole;
- promote safe and healthy food service to the consuming public;
- seek the improvement of general economic, social, and political conditions and standards of workers in the United States and generally in other nations; and
- ensure a fair, equitable, and democratic union led by its members.

ARTICLE 2: MEMBERSHIP, DUES, AND DISCIPLINE

Section 1: Eligibility

All workers employed in the industries in the jurisdiction of Restaurant Workers United are eligible for membership. Workers who are temporarily unemployed or were formerly employed in these industries are also eligible. The Executive Board shall determine the eligibility of an individual worker when necessary.

Section 2: Definition

Workers belonging to Restaurant Workers United have the status of Working Members or Industry Members.

- *Working Member* status is open to any worker who is actively represented under a collective bargaining agreement negotiated between RWU and that worker's employer.
- *Industry Member* status is open to any worker that is not currently represented under such a collective bargaining agreement.

Section 3: Dues

RWU Members must pay dues to remain in good standing.

- Working Member dues shall be at least \$30 per month, or two hours a month, whichever is greater.
- Industry Member dues shall be at least \$15 a month, or one hour a month, whichever is greater.

The Executive Board may authorize a lower rate for unique positions such as interns, students, and part-time workers. The Executive Board may also approve dues waivers for members who are suffering from severe hardship. Members may voluntarily pay a higher rate according to a progressive scale suggested by the Executive Board. All

amendments to the amount of dues must be approved by a majority of voting general membership.

Section 4: Rights

All Working and Industry Members in good standing may attend membership meetings and participate in deliberations and votes at those meetings. They also have the right to vote in elections for RWU officers, participate in other Union business, and nominate and be nominated for the Executive Board.

All Members in good standing within a bargaining unit have the right, by majority vote, to:

- Elect shop stewards for their section of the bargaining unit;
- Elect bargaining committee members for negotiations with management;
- Ratify or reject tentative agreements; and
- Authorize strikes and other workplace actions.

Section 5: Discipline

Members may be disciplined and/or expelled for behavior deemed unacceptable by the Executive Board or a designated committee. Charges shall be written and specific. Members shall have a reasonable amount of time to prepare a defense and shall be granted a full and fair hearing. Discipline may include but is not limited to suspension and expulsion. Discipline shall not include fines. Expulsion and/or active suspension precludes a dues-paying member from being in good standing for membership purposes. Unacceptable behavior includes, but is not limited to, the following:

- violation of the Constitution;
- mishandling, misappropriating, or otherwise misusing RWU funds or property;
- sexual harassment or assault;
- physical violence or assault of another member, or the explicit threat thereof;
- failure to pay dues;
- working for an employer who being boycotted or otherwise subject to a labor action by RWU without RWU permission; and
- demonstration of discrimination toward another RWU member based on their race, ethnicity, national origin, age, physical ability, sex, gender identity and expression, sexual orientation, religion, or other status that is an inappropriate ground for disparate treatment.

ARTICLE 3: MEETINGS

Section 1: Procedure

Any question concerning parliamentary procedure at meetings shall be determined by reference to Robert's Rules of Order, latest edition. Meetings may be conducted via videoconferences.

Section 2: Executive Board Meetings

Executive Board meetings shall be held regularly and are open to Executive Board officers, unless the Executive Board votes to allow a guest or speaker.

Section 3: Monthly General Membership Calls

General membership calls shall take place at least once a month. General membership calls are open to all dues-paying members of Restaurant Workers United.

Section 4: Quarterly Membership Meetings

General membership meetings shall take place on a quarterly basis. Meetings are open to all dues-paying members of Restaurant Workers United. A quorum for a Membership Meeting shall consist of at least five percent (5%) of membership.

Section 5: Special Meetings.

The Executive Board may call special meetings with forty-eight (48) hours notice for the membership to discuss emergency or time-sensitive matters. In order to call a special meeting, twenty percent (20%) of dues-paying members may also petition the Executive Board, after which the special meeting shall be scheduled within forty-eight (48) hours of receipt of the petition. Knowledge of any special meeting to take place must be made publicly, widely, and easily available to the general membership.

ARTICLE 4: EXECUTIVE BOARD

Section 1: Powers

The Executive Board exists to serve the members of the union. The Executive Board shall have control of and be responsible for the management of the affairs and property of the Union, including but not limited to:

- disbursing Union funds in the interest of the Union and its membership. Any and all disbursements will be appropriately documented.

- authorizing bargaining demands and strikes in coordination with bargaining unit members.
- reviewing Tentative Agreements to ensure that they are in accordance with the mission, purpose, and values of RWU. Thereafter, the Tentative Agreement will either be sent to the bargaining unit membership for a ratification vote or returned to the bargaining team for amendment.
- nominating representatives to labor boards and organizations.

Section 2: Officers

The number of Executive Board officers shall be at least three (3), including:

- President
- Secretary-Treasurer
- Vice President

All union officers shall be elected directly by general members. The President and Secretary-Treasurer shall sign all checks. The Executive Board may authorize another member to sign checks in place of the President or Secretary Treasurer by granting bank account access.

Section 3: Tenure

Executive Board Member terms shall last one (1) year.

Section 4: Qualifications

Each officer of the Executive Board shall be a dues-paying member of the Union who supports the purpose statement outlined in these Bylaws and is in good-standing with the Union.

Section 5: Resignation and Vacancies

Any Executive Board officer may resign by filing a written resignation with the rest of the Executive Board. Whenever any vacancy occurs in the Executive Board, a special election will be held.

Section 6: Meetings

The Executive Board shall meet regularly. A quorum for a meeting of the Executive Board shall consist of at least fifty percent (50%) of the Executive Board officers. All issues to be voted on by the Executive Board shall be decided by a simple majority of those voting, unless otherwise specified.

Section 7: Removal and Recall

The Executive Board may, at any time, vote to remove an Executive Board officer for failure to fulfill responsibilities by a two-thirds ($\frac{2}{3}$) vote of all officers. All officers must receive written notice of the proposed removal at least fifteen (15) calendar days in advance of the proposed vote to remove. The officer may appeal the decision to the general membership, who may vote to reinstate the officer by a three-quarter ($\frac{3}{4}$) vote of all members participating in the vote.

Executive Board officers may also be removed by vote of two-thirds ($\frac{2}{3}$) of the voting general dues-paying membership. If twenty percent (20%) of the general membership requests the removal of an officer, an Election Committee shall be convened to determine the process. The officer in question cannot serve on the Election Committee. The officer must receive written notice of the proposed removal at least fifteen (15) calendar days in advance of the vote to remove. The officer shall have the right to publicly defend themselves before the vote.

Section 8: Committees and Locals

The Executive Board shall have the power to create ad hoc or issue committees as needed. The Executive Board shall also have the power to charter local chapters of Restaurant Workers United.

ARTICLE 5: ELECTIONS

Section 1: Eligibility

All Working and Industry Members in good standing as of the time the nomination window closes shall have the right to vote, by secret ballot, for the candidate(s) of their choosing, in an election procedure that is fair and legitimate.

Section 2: Election Committee

An Election Committee consisting of at least two (2) Executive Board and/or general members in good standing, appointed by the Executive Board, will be established to oversee each election and tally votes. Election Committee members must not be seeking election while serving on the committee.

Section 3: Nominations

Every Working and Industry Member has the right to nominate candidates, self-nominate, and/or be nominated as a candidate during the nomination period announced by the Election Committee, unless the Election Committee finds that further qualifications or earlier deadlines should be imposed to ensure the fairness of the election. Dues-paying members will be given timely and adequate notice of that right and the procedures required for such a nomination, but in no case less than fourteen (14) calendar days' notice of their deadline to nominate or be nominated as candidate.

To nominate or be nominated, members must contact the Election Committee as provided for in the Nominations notice.

Section 4: Preparation

The Election Committee will be provided at least seven (7) calendar days to confirm nominations, prepare ballots, and otherwise prepare.

Section 5: Campaigning

At least fifteen (15) calendar days before the election, the Election Committee will make public the names and information of all candidates on the ballot. At least one (1) general membership call or forum will be held in order for members to evaluate candidates.

Section 6: Notice

At least fifteen (15) calendar days prior to the date of the election, the Election Committee will mail notice to all members at their last known home address.

Section 7: Election

Elections will be held by secret ballot for a period of at least one (1) week. All members and officers of the Executive Board must be approved by a majority vote of the working and industry members. This provision need not apply to elections conducted via ranked-choice voting. In the event of a non-competitive election, where an officer position is uncontested, and/or the number of nominated candidates is equal to or less than the number of open seats, any member may move for the President to approve the election of the single candidate or slate of candidates.

Section 8: Results

Results will be published as soon as possible, but in no case later than forty-eight (48) hours after the close of each election.

Section 9: Appeal

Members shall have the right to challenge election results or appeal the conduct of elections. If members have concerns about the election process, vote count, and other general issues, members must contact the Election Committee within ten (10) calendar days. The Election Committee will review all relevant documentation and issue a finding within fifteen (15) calendar days. If members have specific concerns with the Election Committee itself and/or its members, an attorney acting on behalf of Restaurant Workers United will review all relevant documentation and issue a finding within fifteen (15) calendar days of receiving the complaint.

ARTICLE 7: FINANCES AND RECORDS

Section 1: Books

The Union shall keep complete books and records of account and minutes of the proceedings of the Executive Board, which shall be accessible to members upon request.

Section 2: Disbursement

The Executive Board shall have the authority to disburse Union funds in the interest of the Union and its membership. Any and all disbursements shall be appropriately documented. An officer of the Executive Board shall sign all checks, unless the Executive Board authorizes another member to do so by granting bank account access.

Section 3: Transparency

The Secretary-Treasurer shall disseminate a report to the membership once a month providing an overview of the Union's current finances and expenditures.

Section 4: Dissolution

In the event of a dissolution of Restaurant Workers United, the Union's funds shall be donated to a 501(c)(3) charity as determined by the Executive Board.

ARTICLE 8: AMENDMENTS

Section 1: Dues

This amendment process shall not apply to amendments to the amount of dues. All amendments to the amount of dues must be approved by a majority of voting general membership.

Section 2: From the Executive Board

The Executive Board may amend the Constitution by majority vote at any regular or special Executive Board meeting. The proponent(s) of the amendment shall provide written notice setting forth the proposed amendment to all Executive Board officers at least forty-eight (48) hours prior to a vote on the amendment.

Section 3: From the Membership

General membership shall be notified of amendments to this Constitution within forty-eight (48) hours after ratification by the Executive Board. General members will have seven (7) days to request that the amendments be put to a general vote. If ten percent (10%) of general membership so requests, a vote will be held within seven (7) days thereafter. Members may also submit their own proposed amendments if twenty percent (20%) of the general membership so requests. Such amendments shall be discussed at the next regular membership meeting, as long as they are submitted to the

Executive Board at least forty-eight (48) hours prior to the meeting. Afterward, a vote by the general membership to adopt or reject the amendment will be held seven (7) days thereafter.