

Local 387 Sunshine Fund

By-Laws

Article I – Name

The name of this organization shall be the Local 387 Sunshine Fund (Hereinafter referred to as “the Fund”), and it shall be a charitable organization.

Article 2 – Objective

a. The objective of this Fund is raise funds to provide the opportunity for eligible members of the Providence, Rhode Island Area Local (“hereinafter referred to as “the Local” or “Local 387”) of the American Postal Workers Union (“APWU”) to apply for and receive financial assistance in the event that they suffer a medical hardship personally or within their immediate family. This Fund’s purpose is purely charitable and not for profit.

b. The Board of Directors of the Fund (hereinafter referred to as “the Board”), the members of which shall not be compensated in any way for their work for or on behalf of the Fund and shall serve on a strictly volunteer basis, shall be responsible for all aspects of activities, functions, or the like organized for the purpose of raising the funds necessary to provide financial assistance and

shall distribute such funds in accordance with the provisions of these by-laws. The terms of this paragraph shall not be interpreted to limit or restrict the Board's power to recruit and appoint other volunteers to assist the Fund in executing the logistics of organizing and running an activity or function for the purpose of raising money.

c. Although the Fund may receive a loan from the Local, the Fund shall repay any such loan as soon as the Fund has raised sufficient funds to do so, and the Fund will obtain its financial assets through its own activities, functions, and other fund-raising activities and without the use of the dues that are collected by the Local from its dues-paying members.

d. The financial and other assets of the Fund shall be held in trust by the Board of Directors in a fiduciary capacity. The Board, by majority vote, shall decide how to prudently invest the funds raised for the Fund and, by majority vote, shall have discretion to determine when the amount of the principal is sufficient to accept applications for possible distribution of funds, but in no event shall distributions in response to an application for medical hardship if the principal balance of the Fund's assets is less than four thousand dollars (\$4,000). The Board may invest the funds in a financial instrument as simple as an interest bearing savings account or certificate of deposit. In addition, the Board will have the discretion in accordance with terms of this paragraph to prudently invest the funds in other investment vehicles.

e. In the event that the Fund is not able to raise sufficient monies to achieve its objective, the Board shall meet and agree on a charitable organization to which it will contribute its assets, and the Fund shall be dissolved.

Article 3 – Definitions

a. The term “medical hardship” shall be construed at the discretion of the Board, but under no circumstances shall it be construed to permit a member to receive financial assistance from the Fund if he or she is regularly receiving subsistence income, which may include but not necessarily be limited to wages from the U.S. Postal Service or workers’ compensation (OWCP).

b. The term “immediately family” shall be construed to mean spouse, domestic partner, or child.

c. The term “child” shall be construed to mean biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in loco parentis, provided such child is less than eighteen (18) years of age or, if eighteen (18) years or older, is incapable of self-care because of mental or physical disability.

Article 4 – Board of Directors

a. The Board of Directors (hereinafter referred to as “the Board”) shall be comprised of the President of the Local and four (4) individuals who shall be

appointed by the President of the Local. In order to serve as a member of the Board, an individual must be a dues paying member in good standing of the Local. From April 19, 2009, the date on which the Fund's creation was approved by the membership, two (2) appointed members shall be appointed to serve two-year terms and two (2) appointed members of the Board shall be appointed to serve three-year terms. The President of the Local shall serve as the Chair and President of the Board and shall preside over all Board meetings, except when appoints another to serve in his stead. (The "Chair and President" shall be referred to hereinafter as "the Chair.")

b. The four (4) appointed members of the Board shall be known as Voting Members. They shall participate in all deliberations of the Board and shall vote on all matters, unless they have a conflict of interest with the issue before the Board. For example, if a family member or personal friend of a Voting Member submits an application for financial assistance of the Fund, such Voting Member will recuse him/herself from the deliberations and vote of the Board in resolving issues related to said application.

c. The President shall attend all meetings of the Board and may participate in the deliberations of the Board and vote on all motions.

d. In the event that, due to a conflict of interest or any other reason, the President is unable to attend a Board meeting, he shall appoint another officer of the Local to serve in his stead.

e. There shall be no limit to the number of consecutive terms a Voting Member may be appointed to serve. However, upon the expression of interest in serving as a Voting Member by a member in good standing of the Local, the President will consider appointing such member to serve upon the expiration of the term of an incumbent Voting Member. In the event that a Voting Member resigns in mid-term or upon the expiration of his/her term, the President shall promptly appoint his/her successor.

f. The Board shall meet on the first Thursday of every other month (excluding July, August, and December), and the President may call emergency meetings of the Board whenever he deems it necessary. Meetings of the Board shall be open to the public, but presentations of any applicant for financial assistance shall be held in executive session and, therefore, shall be closed to the public.

g. Three (3) Voting Members shall be considered a quorum for deliberation and decisions of the Board. Unless expressly stated to the contrary, all decisions of the Board shall be by majority vote of the Voting Members, including Alternates where recusals so require the participation of one or more Alternate Voting Members.

h. The Voting Members shall elect from among their ranks an individual to serve as the Treasurer of the Board. The Treasurer shall serve as Treasurer for

a two-year term, and may be re-elected without limitation. The Treasurer shall receive and deposit funds in accordance with the majority determination of the Board, and will maintain orderly financial records of the Fund. The Treasurer shall be responsible for the filing of all reports and returns required of the Fund under the law. The financial assets of the Fund shall be held in a bank or other financial institution approved by a majority vote of the Board. The Treasurer shall make a report of the financial condition of the Fund, including a statement of all assets and liabilities, at each regular meeting of the Board. The Treasurer shall meet all financial obligations of the Fund and shall prepare all checks, which must be signed by the Treasurer of the Board and countersigned by the President of the Local. A bond sufficient to cover the assets of the Fund shall be purchased and maintained for the Treasurer.

i. The Voting Members shall elect from among their ranks a Recording Secretary. The Recording Secretary shall serve as Recording Secretary for two-year terms, and may be re-elected without limitation. The Recording Secretary shall maintain a record of all action taken and decisions made at any and all meetings of the Board, and shall be responsible for producing minutes of each meeting for the review and approval of the entire Board by majority vote. The Recording Secretary is charged with the task of maintaining all non-financial records of the Board in an orderly fashion.

j. The deliberations and proceedings of the Board shall be conducted in accordance with Robert's Rules of Order.

Article 5 – Eligibility and Application Procedure

a. To be eligible to apply for financial assistance from the Fund, individuals must be members of the Local and must have maintained good standing for no fewer than six (6) months at the time of application; provided, however, the Board can exercise its discretion regarding eligibility for new hires and transfers into the bargaining unit represented by Local 387 if such individuals were dues paying members from the first day of employment. In addition, an applicant for financial assistance must, in the event that he or she receives financial assistance, take a pledge to maintain his/her membership in good standing.

b. An individual who has applied and been rejected, or received less financial assistance than he or she initially requested, will not be eligible to submit another application for assistance until he or she can demonstrate that his or her circumstances have changed substantially.

c. When the Board determines that the Fund has raised sufficient principal to entertain applications for financial assistance, it will issue a notice to that effect to all members of the Local who are in good standing. Such notice will be distributed through the Local's normal means of information distribution, including but not necessarily limited to the Local's website.

d. All applications for financial assistance shall be submitted to the President on a form designed and supplied by the Board (see Appendix attached hereto), which the Board may amend from time to time. The Board, in its discretion, can reject any application that is less than one hundred percent (100%) complete.

e. Unless the application indicates that the need for financial assistance is of an emergency nature which cannot wait for its disposition until the next regular meeting of the Board, the President shall submit to each Board member a copy of each pending application for the Board's consideration at the next regularly scheduled Board meeting following receipt of the application. The Board shall immediately deliberate and vote on each pending application as promptly as possible, and shall make every reasonable effort to dispose of each application in a single meeting.

f. A member applicant shall have the option of appearing before the Board at the meeting wherein his application for financial assistance is scheduled for consideration. The member may make a formal presentation before the Board or may simply make himself or herself available for questions that may arise during the course of the Board's deliberation. In the event that a member is present for the Board's deliberation upon his/her application, the Board may exercise the option of voting by secret ballot. In the event that the vote is taken by secret ballot, rather than voice vote or show of hands, the ballots shall be

collected and counted immediately and in the presence of the member and the result shall be announced immediately.

g. A member applicant shall have the option of submitting his application for financial assistance anonymously. If such anonymity is desired, the application shall not contain his or her name or other identifying information, but shall be assigned a number. The application shall be submitted to the President who will be the only member of the Board who is aware of the identity of the applicant. The President will hold the identity of the applicant in strict confidence. In cases where anonymity is desired, the President will not participate in the deliberations or the vote. In the event that an application is submitted anonymously pursuant to the terms of this paragraph, the applicant will be advised that he or she is waiving his or her right to have the decision reviewed by the Board pursuant to Article 6 below.

h. After deliberation, the Board shall vote on the application. Immediately following the vote, the Board shall issue its decision concerning the member's application in writing and the decision will be dated and given to the applicant on the date of the decision. In the event that the applicant is not available for hand-delivery at the time of the decision, the Board shall promptly mail its written decision to the member by first class mail.

Article 6 – Right of Review

a. Except when an application is anonymously submitted pursuant to the terms of Article 5, paragraph g. above, a member whose application for financial assistance is denied in whole or in part is entitled to a limited right of review by the Board in accordance with the procedure set forth in this Article.

b. No later than one calendar month following the date on which the Board has issued its written decision pursuant to Article 5 above, the member applicant may submit a request for review to the Chair of the Board. In the event that a request for review is submitted, the President will appoint two additional members of the Local to serve as Voting Members. Such additional Voting Members will be drawn from the ranks of the individuals holding the following offices in the Local: President, Vice President, or Secretary-Treasurer.

c. The President shall promptly schedule a review hearing and the applicant member shall be notified of the date and time of the hearing by first class mail sent to the address he or she has provided to the Board on the application.

d. At the review hearing, the member applicant shall be given an opportunity to state his or her case for reversing or modifying the decision of the Board. If the member has additional documentation to support the application, he or she must submit it either before at the time of the review hearing. The

record will be closed and no further information, documentary or testimonial, will be admitted for consideration by the Board after the review hearing has been declared closed by the President/Chair.

e. The Board will immediately deliberate and issue a prompt written decision on the appeal. The decision shall be mailed to the member applicant and shall be final and binding. There shall be no further right of appeal on an application for financial assistance from the Sunshine Fund.

Article 7 – Amending By-Laws

These By-Laws of the Sunshine Fund may be amended by a majority vote of the Board of the Sunshine Fund. Notice of all proposed amendments must be sent to each Voting Member of the Board prior to the Board meeting at which the amendment will be considered.