



Founded 1889

United Association of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of the United States and Canada

Three Park Place • Annapolis, Maryland 21401
(410) 269-2000 • Fax (410) 267-0262 • <http://www.ua.org>

Mark McManus
General President

Patrick H. Kellett
General Secretary-Treasurer

Michael A. Pleasant
Assistant General President

General Office File Reference: GP

March 23, 2020

TO: ALL LOCAL UNION BUSINESS MANAGERS

Dear Brothers and Sisters:

Given the risks presented by COVID-19 in your areas, and the guidance and/or directives on group gatherings being issued by government and health authorities, a large number of you have wisely exercised your authority as Business Manager to cancel membership meetings. I understand, however, that many of you who have cancelled meetings have upcoming, collectively-bargained total package increases that, according to the By-Laws or other rules of your Local Union, must be allocated with the approval of the Local Union membership. With your memberships unable to meet to consider the allocations, many of you have requested guidance on whether, and on what terms, a Business Manager could make the allocations.

In response to these requests, I am exercising my authority under Section 46(f) of the UA Constitution to issue the following interpretation of the Business Manager's authority under Section 103 of the Constitution. Section 103 charges the Business Manager with exercising control and supervision over the daily affairs and business operations of the Local Union and with administering the Local Union's collective bargaining agreements. See pages 23-24 of the UA Ritual. In view of this authority, the Business Manager may, under the circumstances described above, allocate a collectively-bargained increase on a tentative basis without membership approval, notwithstanding any contrary By-Law or other rule of the Local Union.

When membership meetings resume, the tentative allocation made by the Business Manager must be presented to the membership for approval or revision. In making the tentative allocation, the Business Manager should put the employer association on notice that the allocation is tentative and must be approved by the Local Union membership when meetings resume.

Fraternally yours,

Mark McManus
General President

cc: General Secretary-Treasurer Patrick H. Kellett
Assistant General President Michael A. Pleasant
International Vice Presidents
International and Special Representatives





Founded 1889

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

Three Park Place • Annapolis, Maryland 21401
(410) 269-2000 • Fax (410) 267-0262 • <http://www.ua.org>

Mark McManus
General President

Patrick H. Kellett
General Secretary-Treasurer

Michael A. Pleasant
Assistant General President

General Office File Reference: GP

July 28, 2020

TO ALL LOCAL UNION BUSINESS MANAGERS

Dear Brothers and Sisters:

Over the past several weeks, the General Office has received inquiries on a number of important issues related to COVID-19 and Local Union elections, membership meetings, approval of expenditures, and allocations of collectively-bargained increases. Given that all Local Unions are dealing with one or more of these issues, I want to make sure that each of you have the latest guidance from my office on these matters. This guidance is summarized below.

Local Union Elections: On March 23, 2020, you received a letter from me in which I authorized and strongly encouraged every Business Manager with a June 2020 election to conduct the election by mail ballot. In furtherance of that objective, I authorized such Business Managers to postpone their elections until August 2020 and to utilize a flexible Alternative Procedure for Nominations allowing nominations to be conducted without an in-person meeting. **On June 19, 2020**, I then sent a letter to Business Managers with December 2020 elections authorizing—and again strongly encouraging—they to conduct their elections by mail ballot. Those of you with an election upcoming in March 2021 (pursuant to the General Executive Board’s directive to advance your June 2021 elections for the Convention) will be receiving a similar letter from me in due course.

If, based on the COVID-19 trend lines and government guidance in your area, your Local Union is able to move forward, on schedule, with an in-person election, you are obviously free to proceed with such election. If, on the other hand, the conditions in your area create a risk that you will not be able to proceed with a timely in-person election, it is incumbent on you to make the necessary preparations to conduct your election by mail ballot. With the UA Convention on the horizon, you will need to elect not only your officers, but also your delegates to the Convention. Under the UA Constitution and applicable law, your delegates to the Convention must be elected by secret ballot in order to represent your Local Union. There are no exceptions to this rule, apart from the exception for weekly salaried elected officers who are themselves elected by secret ballot.

Membership Meetings: I have also received the question of whether a Business Manager who has cancelled in-person membership meetings in light of the pandemic may conduct informational meetings with the membership by Zoom until it is safe for in-person meetings to resume. The answer to this question is yes. As Business Manager, you have inherent authority to call informational meetings by Zoom or other similar technology to keep the members apprised of developments affecting the Local Union.

Approval of Expenditures: I have also been asked how By-Laws requiring membership approval of expenditures should be applied when membership meetings have been suspended due to the pandemic. It is the longstanding view of the UA that, as the officer responsible for conducting the day-to-day business of the Local Union under Section 103 of the UA Constitution, the Business Manager, should be able to make





operational and emergency expenditures on behalf of the Local Union without advance membership approval, subject to any requirement in the By-Laws to report such expenditures to the membership at a certain point in time. I understand, however, that this view may not be fully reflected in many Local Union By-Laws. In the case of discretionary expenditures, advance approval may be legitimately required. However, because discretionary expenditures are often made in furtherance of important union business, there must be some reasonable mechanism for such expenditures to be approved during the pandemic.

Consistent with the foregoing, I am exercising my authority under the UA Constitution, including Section 46(f), to issue the following interpretative decision regarding the authority of a Business Manager under the Constitution: A Business Manager of Local Union that is not holding membership meetings in light of the pandemic is empowered to make operational and emergency expenditures on behalf of the Local Union without any requirement of membership approval. Such Business Manager is further empowered to make discretionary expenditures that would ordinarily require membership approval with the approval of the Executive Board. All expenditures made by the Business Manager pursuant to this interpretative decision shall be reported to the membership when membership meetings resume in a manner consistent with the By-Laws, customs and/or practices of the Local Union. This decision shall supersede any Local Union By-Law that imposes more restrictive conditions on the ability of the Business Manager to make expenditures and shall remain in effect until membership meetings are able to resume.

Allocations of Collectively Bargained Increases: Finally, on March 23, 2020, I sent you an interpretative decision addressing how collective-bargained total package increases may be allocated when the By-Laws of your Local Union require membership approval of such allocations but meetings have been cancelled due to the pandemic. In such cases, I determined that the Business Manager may allocate the increase on a tentative basis without membership approval, provided that “the tentative allocation ... must be presented to the membership for approval or revision” when membership meetings resume. The quoted language has given rise to a question about whether, when meetings resume in a Local Union, the membership may revise an allocation on a retroactive basis. The answer to this question is no. Once the Business Manager makes a tentative allocation pursuant to the authority of my March 23, 2020 letter, the membership must be given the opportunity to approve or change the allocation when meetings resume, but any change to the allocation must be applied prospectively.

I trust that this guidance is helpful. If you have any questions, please contact Administrative Assistant to the General President Brad Karbowsky in the General Office.

Fraternally,

Mark McManus
General President

MM:ail

cc: General Officers
Vice Presidents
International and Special Representatives