

HOW TO WRITE A RESOLUTION

Presented by

Al LaBrecque
Retiree Chapter President
Michigan Postal Workers Union



REFERENCES:

Al LaBrecque – Retiree Chapter President, MPWU - How to Write a Resolution

Lucy Morton – Research & Education Director – Preparation and Research

American Postal Workers Union – How to Write a Resolution

Robert Mittenenthal – Definition of a Past Practice

A Resolution begins with an idea. It can be on any subject you want your organization (in this case, your Union) to take a position on. **Resolutions are the heart and soul of a constitution convention!**

There are four (4) parts to always identify in a resolution:

- **WHAT** – This is the Subject of your Resolution.
- **WHY** – The Whereas' of the Resolution which explain conditions as they currently exist, changes or primary reasons to adopt the Resolution. This is really the merits and selling points you want to state to clearly inform and identify the reason for the change. There can be one to several 'Whereas', depending on how much explanation it takes to sell the following Resolve that you identify.
- **HOW** – The Resolve. This is the most important part of the Resolution. It is the language you seek to have adopted. It should be as brief and to the point as possible. If necessary, there can be more than one Resolve to a Resolution.
- **WHO** – This is the easy part! The signature blocks of the parties authorizing submission of the Resolution are required. This can be the State Union, individual Local, or Retiree's Chapter. The President, Secretary or Secretary-Treasurer must sign the Resolutions for submission.

The Michigan Postal Workers Union (MPWU) requires four (4) copies of each Resolution to be submitted to the MPWU Executive Secretary approximately 30-days prior to a Convention. Resolutions will be prepared in a Resolution Book to be handed out to Convention delegates. Resolutions in the book are usually broken down by category for assignment to several Resolution Committees. Your original and three (3) copies are assigned to the Chairperson of each Resolution Committee for their discussion debate.

This is one of the reasons the MPWU asks that all Resolutions be submitted in advance so that the Committees can properly review in advance all Resolutions to be considered by the delegates, and they may be included in the Resolutions Booklet given to each delegate. If you have an idea for a resolution, write it down when you think of it. You can keep them in a file until the time for submission and then you will be ready, have the resolution written and ready to go!

It is the duty of a Resolution Committee to report to the Convention delegates their recommendation on each Resolution. To either Adopt (concur), Not Adopt (non-concurrence), or Adopt as Amended (Modified – BUT NOT SO AS TO ALTER THE ORIGINAL INTENT).

Assignment to a Resolution Committee is one of the very best training grounds for delegates from your Local to learn first-hand the internal workings of the Union, as well as the wide scope of what Union involvement is all about.

It is strongly suggested that Locals furnish each of their delegates a copy of each of their Resolutions to be acted upon at a State Convention. This gives your delegates an opportunity to familiarize themselves with your Local's Resolutions. It is helpful to delegates on Resolution Committees to be able to speak with some knowledge when one of your Resolutions comes up for discussion and/or debate in committee or on the convention floor.

Don't be discouraged if your Resolution is shot down, or altered by a Resolutions Committee or convention delegates. Remember this is the democratic process of our State Union. Get on the mike and defend your position. It is not uncommon for a Resolutions Committee recommendation of non-concurrence to be reversed through convention floor debate by the maker of the Resolution by offering arguments for the adoption of a Resolution. Perhaps this will even initiate a slight modification of your original language by a 'Motion to Amend'.

Convention delegates do not vote on a Resolution (or against). They **vote on the Resolution Committee's recommendation**. If that recommendation happens to be non-concurrence, the convention delegates can vote down the Committee's recommendation. If that happens, the Resolution as written (or amended) is put to a vote.....up or down. Be prepared to defend your Resolution position! This is what makes conventions interesting.

What may be seen as a 'pie-in-the-sky' Resolution, very often, once adopted; becomes a reality. Even if your Resolution is defeated, if you really believe in your position, don't hesitate to resubmit it to the next Convention. You might want to re-work it in the 'Whereas' to better clarify or strengthen your position. Conditions and thinking, not to mention delegate make-up, change from convention to convention.

It is important to remember that your WHEREAS paragraphs should clearly and concisely present strong arguments to convince other members to vote for the resolution. It should contain factual information designed to promote support.

The RESOLVED(S) should be strong, clear, concise, specific and realistic. They should include an implementation clause – so that there will be no question of what must be done, by whom it should be done, how it should be done and when it should be done.

If your resolution is vague, the changes are that a resolution committee may recommend no action on it. The committee cannot be expected to interpret your proposal to mean what you didn't say clearly. Nor can the committee act positively on a resolution that proposes conflicting avenues of implementation, or which offers no

recommendation for action. The committee will also reject a resolution that proposes action that is beyond the bounds of the organization.

So, what do I write a Resolution about? How do I go about it?

DETERMINING SELECTION OF SUBJECT FOR RESOLUTIONS:

Suggestions: Poll your Executive Board, Stewards, Appointee's, and Members at your regular union meetings. WHAT is important to you, your Local, and your Members? DRAFT your Resolution on a legal pad. Determine WHAT your subject is by title that best describes the issue. (i.e. 'Official APWU Opposition To EI/QWL).

Once your subject is determined, frame your reason for the 'Whereas' by listing each (1,2,3,4, etc.) argument WHY your Resolution should be adopted:

WHEREAS: USPS Management is actively attempting to persuade APWU to buy in to and participate in the EI/QWL program, and

WHEREAS: EI/QWL is the modern version of a company union wrapped in a pretty package, and

WHEREAS: The contents of the attractive EI/QWL package smells to high heaven as they undermine contractual labor relations by by-passing the Union on matters involving the Collective Bargaining Agreement, and

WHEREAS: (Continue with each point of persuasion on the subject to justify adoption of your Resolve), be it therefore:

RESOLVED: The APWU go on record as being unequivocally opposed to EI/QWL, and be it further

RESOLVED: That this Resolution be referred to the APWU National Convention in August 1998, and declared as a paramount issue that the APWU adopt this as the official position of our Union.

Respectfully submitted:

Name
President
Local Identification

Date _____

Name
Secretary Treasurer
Local Identification

Date _____

Resolution writing is as simple as organizing your thoughts and ideas on the subject. **WHAT, WHY, HOW and WHO.** Write a draft first, until it reads the way you believe it will be best understood. It's a lot like writing a grievance for an arbitrator to read and comprehend.

Locals should make every effort to submit Resolutions to the State Convention. In that way you and your delegates become intimately involved in the process of making union decisions on the direction of your Union. Make sure all your delegates are assigned to a Resolution Committee. Besides being an excellent training ground for Union Involvement, they will be able to support your Resolutions in committee and explain the 'Why' if there is debate on the Resolution. Again, be prepared to support and debate your Resolution on the Convention floor when reported by the Resolutions Committee Chairperson. Even though the Committee may recommend adoption (concurrence), delegates may rise to oppose the Resolution.

WHAT? The variety of subjects for Resolutions being submitted for convention consideration is limited only by the number of items on a Local's 'wish list'. Internal Union issues dealing with the State or National Union's Constitution and By-Laws are given high priority and require a two-thirds (2/3) majority vote of the delegates present and voting to adopt. Other issues only require a simple majority to adopt.

Following is a sample list of subjects you may want to use as a checklist of ideas:

CONSTITUTION AND BY-LAWS – Amendments – Additions, deletions, changes to State or National Union governing documents. Identify subject by Constitution or By-Laws by Article and Section in 'Subject'. (Constitutional changes/amendments require a 2/3 majority to adopt.)

LEGISLATION AND/OR POLITICAL positions. Taking an official position on particular Bills....in support of, in opposition to, etc. Proposing legislation on the National or State level is favorable to the Union and labor movement. Endorsement of political candidates. Adopted Resolutions can be sent to Congresspersons and Senators.....even the President! (These actions require a 51% majority to adopt).

LABOR-MANAGEMENT – Contract proposals; additions, deletions, and change to specific contract language. Again, identify the Article and Section in the Subject and Resolve.

EMPLOYEE/RETIREE BENEFITS – FEHBP Health Insurance, Life Insurance, COLA's, Retirement, etc. It would be proper to offer direction to our APWU Health Plan.

POSITION STATEMENTS ON ISSUES – Support or opposition on certain conditions; social issues (Nike), Contracting out work, support of Sister Union(s) on strike. The ridiculous 'Zero Tolerance' position of the USPS, and EI/QWL was a prime example.

RECOGNITION – To honor an individual or entity. A greeting or expression of condolence.

Your list of subjects is limited only by your initiative, imagination, and depth of commitment of involvement. It only takes a little thought or research to determine what category your Resolution best fits.

ONE LAST ITEM! It comes to mind that every Local should have an established Resolutions File in your Union office. It should be filed by year with a copy of every resolution you submit to the State or National Conventions. The file should also include the Convention Resolutions Book from the State and National Conventions filed by year with the actions taken on each Resolution.

This will serve as a ready reference file when you and/or the Local Secretary, or Secretary-Treasurer begins preparing Resolutions for the next Convention.

Remember: A Constitutional Convention without Resolutions is like a football game without the ball. Not much point to it! So.....Write On and have fun with it. Once you get your thoughts organized by understanding the What, Why, How and Who of writing Resolutions, you will have to agree that it will be an enjoyable, worthwhile task.

PAST PRACTICE

One other item to consider when preparing your resolution is how much of a problem is this for you or your membership. Is this something that happens every day, but there is no language to officially support the practice. Arbitrator Richard Mittenthal wrote the definitive definition of Past Practice and when, in the course of the grievance/arbitration process a past practice is referenced, most everyone (USPS/APWU) will refer to his published reference. Both the USPS/APWU apply his interpretation when making argument of a past practice. This reference is and can be applied when writing resolutions for your State and National Union.

What is the Definition of a Past Practice?

“A practice is a reasonable uniform response to a recurring situation over a substantial period of time, which has been recognized by the parties implicitly or explicitly, as the proper response.”

The term practice usually refers to local practices and working conditions which can vary considerably at different plants of the same company. Practices are often the customary way, not necessarily the best way of handling a grievance problem. A method of handling a problem can't be considered a practice if it's only one of several ways of doing it.

The practice must be recurring and deal with the same type of situation. It must have existed over a substantial period of time. The lax enforcement of a rule doesn't constitute a valid practice since there is no acceptance either implicit or explicit.

Generally, the burden of proof is on the Union to show that the practice, in fact, does exist.

Of What Importance are Past Practices in Collective Bargaining?

Past practices have made the following contributions to the development of industrial self-government:

- a. Past practice can be an aid to the interpretation of ambiguous contract language.
- b. Even where contract language is clear; an agreed practice may modify it.
- c. Past practice is important in defining jobs and classification lines, which may affect layoffs, wages and promotions.
- d. A past practice is not binding and can't be enforced when contrary to the contract. Either side may unilaterally grieve to make it conform to the agreement.

The validity of a past practice argument can only be determined by knowing the individual agreement in effect in the plant or industry.

What Factors in Addition to Past Practices Might be Involved in Contracting Out?

In recent years, the past practice argument has often been made in relation to the contracting out problem, which is an arrangement with another firm to make goods or perform services which could be accomplished by workers in the bargaining unit with the companies facilities.

Most manufacturing companies contract out major construction and modernization but do minor construction and maintenance themselves. Here are some of the factors that need to be considered in determining the company's right to contract out:

- a. Will the work be permanently contracted out?
- b. Is an emergency involved?
- c. Do the bargaining unit members have sufficient skills?
- d. Does the Company have the necessary equipment available?
- e. Is this type of work usually subcontracted in the industry?
- f. Is the sole motivation of the company to save on labor costs?

Even though the management right clause does give the Company the right to contract out, this is not an absolute right. The recognition of the Union and the signing of an agreement establishing wages and working conditions is a counter right. This fact modifies the right of the Company to take work away from the unit solely because it would be cheaper since this would undermine the entire agreement.

Contracting out is often decided not on whether a company can contract out all work or no work, but rather which work under what circumstances.

Attached are some blank resolution pages for your reference and use. We hope this information is educational and helpful when preparing resolutions for your State and National Union.

Happy writing!

TITLE: _____

Article #: _____

WHEREAS: _____

WHEREAS: _____

WHEREAS: _____

WHEREAS: _____

THEREFORE BE IT RESOLVED: _____

AND BE IT FURTHER RESOLVED: _____

President
Date _____

Secretary
Date _____

TITLE: _____

Article #: _____

WHEREAS: _____

WHEREAS: _____

WHEREAS: _____

WHEREAS: _____

THEREFORE BE IT RESOLVED: _____

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President
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Date _____