

# **BYLAWS OF TEAMSTERS LOCAL UNION NO. 413**

## **ARTICLE I NAME**

This Local Union shall be known as Teamsters Local Union No. 413 and is chartered by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

## **ARTICLE II JURISDICTION**

The jurisdiction of this Local Union shall be determined by the International Union from time to time.

## **ARTICLE III PRINCIPAL OFFICE**

The principal office of this organization shall be located in the City of Columbus, County of Franklin, State of Ohio. The organization may have such other offices either within or without the State of Ohio, as the Executive Board may require from time to time, subject to the approval of the General Executive Board.

## **ARTICLE IV OBJECTS**

1. The objects of this Local Union shall be:

To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age, physical disability, sex, or sexual orientation;

To engage in organizing workers to provide the benefit of

unionism to all workers and to protect and preserve the benefits obtained for members of this organization;

To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through advancement of our standing in the community and in the labor movement through legal and economic means, and other lawful methods;

To safeguard, advance, and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people by political, educational and other community activity;

To engage in cultural, civic, legislative, political, fraternal, educational, charitable welfare, social and other activities, which further the interests of this organization and its membership, directly or indirectly;

To provide assistance, financial, moral or other, to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;

To engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly;

To protect and preserve the Union as an institution and to perform its legal and contractual obligations;

To carry out the objectives of the International Union as an affiliate thereof; and its duties as such an affiliate;

To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these Bylaws and the International Constitution and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

2. It is recognized that the problems with which this labor organization is accustomed to deal are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the union may determine from time to time; we, therefore, determine and assert that the participation of this labor organization, in the pursuit and attainment of the objectives set forth herein are for the sole benefit of the organization and its members.

## **ARTICLE V**

### **ELIGIBILITY FOR MEMBERSHIP**

Eligibility to membership in this Local Union shall be as set forth in the International Constitution, and applicants for membership shall comply with and be subject to the requirements imposed by these Bylaws and the International Constitution.

## **ARTICLE VI**

### **OFFICERS**

1. Officers of this Local Union shall consist only of a President, Secretary-Treasurer, Vice President, Recording Secretary and three Trustees. These officers shall constitute the Executive Board of the Local Union. The term of office of all officers shall commence on the first of January in the year following the election.
2. Eligibility to hold office shall be governed by the provisions of the International Constitution and these Bylaws.

## **ARTICLE VII**

### **PRESIDENT'S DUTIES**

1. It shall be the duty of the President to preside at meetings of this Local Union and of Executive Board, to preserve order therein, and to enforce the International Constitution, these Bylaws and the rules of order adopted by the Union; to see that all officers perform their respective duties, and to appoint all committees not otherwise provided for. He shall also have the right to serve on all committees by virtue of his office, and in general, shall perform all duties incident to the office of president, and such other duties as may be provided by the Executive Board or membership from time to time.
2. The President shall decide all questions of order, subject to an appeal to the membership; shall have the right to vote in the election of officers; shall cast the deciding vote when a tie occurs on any question; shall announce the result of all votes and, compatible with law enforce all fines and penalties; and shall have the power to call special meetings when he deems it necessary or when requested in writing by 10% of the membership; as provided for in Article XVIII, Section 2 of these Bylaws. The President shall have the right to vote on all matters at

meetings of the Executive Board.

3. Subject to the provision of Article XXIII, Section 3, of the International Constitution, he, along with the Secretary-Treasurer, shall sign all official documents, deeds, mortgages, bonds, contracts, or other instruments, all checks on bank account, and perform such other duties as the International Constitution and these Bylaws or Law may require of him.

4. The President shall have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the Local Union, including such amounts which in his judgment will further the best interest of the Union subject to the approval of the Executive Board.

5. The President shall be the principal executive officer of this organization and, subject to the control of the Executive Board, shall in general supervise, conduct and control all the business and affairs of this organization, its officers and employees, including without limitation, the right to appoint members of the union to chair meetings and to preserve order therein. He may perform all the duties of a business representative.

6. He shall have general charge and supervision of all the officers and employees of this organization and shall have the power to appoint, suspend or discharge organizers or other employees or professional assistants and services. In the event the Executive Board refuses to approve the President's choice of expert services, the President may present his choice to a duly noticed meeting of the membership for approval. Likewise, he shall have the power to appoint, suspend, discharge or otherwise discipline business representatives with the advice and consent of the Executive Board. He shall appoint any and all committees, both general and special as may be required from time to time by this organization. In all cases where the duties of the officers, business agents or employees are not specifically prescribed by these Bylaws, the Constitution, or resolutions of the Executive Board or the membership, they shall obey the directions and orders of the President.

7. The President shall also have charge of all labor disputes involving this Union, subject to the provisions of the International Constitution and its Area Conference Bylaws.

8. The rights and duties as set out in this paragraph are subject to the provisions of Article XIII, paragraph (p). The President may take such actions as in his judgment will further the best interests of the Union and its members, which action shall include, but not be limited to, the expenditure of monies for such purposes, subject to the approval of the Executive Board. Such actions may include aid and assistance,

monetary or otherwise, to such other persons or organizations which the President may feel are deserving of such aid in the best interest of the labor movement, all of which shall be subject to other pertinent provisions of these Bylaws.

9. He shall have authority to interpret these Bylaws and to decide all questions of law thereunder between meetings of the Executive Board.

## **ARTICLE VIII**

### **DUTIES OF THE VICE PRESIDENT**

It shall be the duty of the Vice President to preside at union meetings in the absence of the President. He shall perform such other duties and render such assistance as may be directed by the President.

## **ARTICLE IX**

### **DUTIES OF THE SECRETARY-TREASURER**

1. The Secretary-Treasurer shall perform all duties imposed upon Local Union Secretary-Treasurers by the International Constitution by these Bylaws, and in general perform all duties incident to the office and such other duties as from time to time may be assigned to him by the President. He shall see that all notices shall be given in accordance with the provisions of these Bylaws or as required by Law. He shall make a quarterly report to the membership giving the financial standing of the Local, and shall keep itemized records showing the source thereof of all monies received and shall keep records, vouchers, work sheets, books and accounts and resolutions to verify the correctness of any such report.

2. The Secretary-Treasurer upon request of any member shall make available to the member a copy of the last annual report. He shall also make available for inspection by any member or members at the Local Union's principal office during regular business hours any prior annual report and any other document which is subject by statute to such inspection, provided, however, if copying is desired by any member, the matter shall be submitted to the membership at the next scheduled meeting. Membership lists may not be copied. Upon the written request of any member setting forth for examination of any books, records, or accounts necessary to verify any report filed in compliance with any statutory requirements, he shall make arrangements to have such records available for inspection during the regular business hours at the principal office of the Union. In the event the Secretary-Treasurer believes that just cause does not exist for the request made, he shall also

inform the member in writing. Refusal of the Secretary-Treasurer to permit examination of such record shall be appealable to the Executive Board and such appeal shall be heard forthwith.

3. The Secretary-Treasurer shall have custody of the Local Union seal and records of the proceedings of all meetings of the Local Union and the Executive Board, as prepared by the Recording Secretary, or such person as is authorized to take such proceedings, shall keep important documents, papers, correspondence, as well as files on contracts and agreements with employers. Upon request from any person made in person or in writing to the Secretary-Treasurer during regular hours at the principal office, he shall provide one (1) copy of the Collective Bargaining Agreement made by the Local Union with the employer of such person, if the person making such request establishes that he is an employee directly affected by such agreement. The Secretary-Treasurer may require a receipt therefore from such person. He shall also maintain at the principal office of the Local Union copies of agreements made or received by the organization where another labor organization subordinate to the International Brotherhood of Teamsters has negotiated such contract, and the employees represented by this Local Union are directly affected by such agreement, which agreements shall be available for inspection by any member or by an employee who established that his rights are affected by such agreement, during the regular hours maintained at the principal office of the Local Union.

4. The Secretary-Treasurer shall receive all monies paid the Local Union, giving receipt therefore for any dues, initiation fees, or other fees, assessments or fines. All monies received from any source whatever shall be deposited in such reliable bank or banks in the name of the Local Union at least twice a month or oftener, if possible, as the Executive Board may designate from time to time.

5. The Secretary-Treasurer shall also maintain a record of all members in good standing with their last known address. Said record shall be open to inspection by any members as and to the extent required by statute. The Secretary-Treasurer shall report to the General Secretary-Treasurer the names and addresses of all new members coming into the Local Union initiated or retained each month, together with those who become suspended of non-payment of dues, or for any other cause, as well as a correct list of those who take transfer or withdrawal cards, and shall promptly notify the General Secretary-Treasurer of the death of any member. The Secretary-Treasurer must report the names and addresses of all new members coming into the Local Union to the General Secretary-Treasurer and shall send to the General Secretary-Treasurer a revised list of the names and addresses of all members in good standing in the Local Union on a current basis.

Membership lists shall not be open to inspection by any member except, as, and to the extent, required by law.

6. Whenever a Secretary-Treasurer's term of office expires or is otherwise terminated, he must see that his successor is properly bonded and a copy of the bond sent to the General Secretary-Treasurer's office before he transfers the funds of the organization to his successor in office. He shall also give to his successor all papers, documents, records, vouchers, work sheets, books, money and other union property that may have been entrusted to him by virtue of his office and shall obtain an appropriate receipt therefore. All such records, vouchers, work sheets, receipts, books, reports, and documents shall be preserved and retained at the Local Union's principal office for a period of not less than six (6) years.

7. The Secretary-Treasurer shall provide each new member with a free copy of the International Constitution, upon request. The Secretary-Treasurer shall provide any member with a copy of the International Constitution and of these Bylaws.

## **ARTICLE X**

### **DUTIES OF RECORDING SECRETARY**

It shall be the function of the Recording Secretary to attend general membership meetings of the Local Union and the Local Union Executive Board and to keep minutes of the proceedings. He shall keep a record of the names of the members comprising such Committees and handle all correspondence of the Local Union assigned by the President or authorized by membership resolution. In his absence the President shall appoint a member to act as Recording Secretary pro tempore who shall have the duties as set forth above. The President shall appoint a member or members to keep minutes of meetings which are held by division or craft. The minutes of every meeting of the Local Union Executive Board and the Local Union shall be read and approved at the next following meeting of the members involved. Minutes of division or craft meetings shall be read and approved at the next following meeting of the division or craft involved.

## **ARTICLE XI**

### **DUTIES OF TRUSTEES**

It shall be the duty of the trustees to conduct or have conducted a

monthly (quarterly if the Local Union has quarterly dues) examination of the books of the Local Union and the results thereof shall be reported at the next regular membership meeting. They shall sign the books of the Secretary-Treasurer if they have found them correct and the bank balances verified. In the event that a Trustee declines to sign the books, the Trustee must state in writing to the Local Union Secretary-Treasurer his reasons for declining to do so and shall also advise the General Secretary-Treasurer of those reasons. A Trustee's disagreement with an expenditure properly authorized by the Executive Board or membership shall not be a valid basis for refusing to sign the books. The Trustees' reports shall be sent to the General Secretary-Treasurer as required by the International Constitution. They shall receive and review the original surety bond covering each officer, employee and representative of the Local Union required to be bonded, and retain it at the Local Union's principal office. They shall have the duty to see that such bonds are current and enforceable. In the event of the unavailability of a Trustee, the remaining Trustees or Trustee shall perform the above functions, the Trustees may avail themselves of the services of the Certified Public Accountants retained by the Local Union Executive Board.

## **ARTICLE XII WARDEN AND CONDUCTOR**

The Warden and the Conductor shall be appointed by the Chair and may be removed by him. The Warden shall have charge of the inner door and shall not admit any member who is not in good standing. He shall not allow any member under the influence of liquor or drugs to enter the meeting place. He shall assist the chair in maintaining order. It shall be the duty of the Conductor to assist the Warden and to bring the proposed new members to be obligated as members. He shall also escort all guests to the chair. He shall perform the duties of the Warden in the absence of the Warden.

## **ARTICLE XIII POWERS AND DUTIES OF LOCAL EXECUTIVE BOARD**

1. Except as may be otherwise provided in these Bylaws, the Local Union Executive Board is authorized and empowered to conduct and manage the affairs of this organization, and to manage, invest, expend, contribute, use, borrow, lend and acquire Local Union funds and property in the pursuit of accomplishment of the objectives set forth in

the Constitution of the International Union and these Bylaws and resolutions adopted in furtherance thereof. However, the Local Union Executive Board shall not have the authority to bind the Local Union for personal services to be rendered to the Local Union or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations and editorial services, by contract, agreement or otherwise, beyond the expiration of the term of the Executive Board in office at the time such action is taken. This shall not prevent the Local Union Executive Board from entering into a bona fide collective bargaining agreement with another Union covering Local Union employees; provided, however, that if the Local Union employees form a union following the Local Union officer election, or a new collective bargaining agreement covering such employees is negotiated after the Local Union officer election, the newly organized unit shall not be voluntarily recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local Union, until such action is approved by the officers-elect. The Local Union Executive Board, in addition to such other general powers conferred by these Bylaws, is hereby empowered to:

- a) Make and change rules and regulations not inconsistent with these Bylaws or the International Constitution for the management and conduct of the affairs of this Local Union; and to transact all businesses between membership meetings, except as may be otherwise provided for herein;
- b) Provide for the salaries, allowances, direct and indirect disbursements, expenses and reimbursement of expenses for officers, agents and employees. The Local Union Executive Board may establish a dues check off procedure for Local Union officers and employees belonging to this Local Union;
- c) Provide for direct and indirect loans for such purposes and with such security, if any, as it deems appropriate, and with such arrangement for repayment as it deems appropriate, all to the extent permitted by law;
- d) Provide for the employment and payment of attorneys, accountants, and such other special or expert services as may be required for the organization; to secure an audit of the books of this organization by a certified public accountant at least once a year;
- e) On behalf of the Local Union, its officers, employees or members, to initiate, defend, compromise, settle, arbitrate or release or to pay the expenses and costs of any legal proceedings or actions of any nature subject to the provisions of Article IX, Section 9(c) of the International Constitution

if, in its judgment, it shall be necessary or desirable to protect, preserve, or advance the interests of the organization;

f) Fill all vacancies in office which occur during the term of such office for the entire remainder of the unexpired term, in the manner provided in Article XXII, Section 9 of the International Constitution;

g) Transact all business and manage and direct the affairs of the Local Union between membership meetings except as may otherwise be herein provided; delegate when necessary any of the above powers to any officer for specific and temporary purposes and on condition that the action of such officer or agent be ratified by the Local Union Executive Board; the Local Union Executive Board shall designate other officers for the President or Secretary-Treasurer for the purpose of signing checks, pay bills or to exercise any other functions of their offices in event that either shall refuse to act or shall become ill or otherwise incapacitated;

h) To lease, purchase or otherwise acquire in any lawful manner for and on behalf of the organization, any and all real estate and other property, rights and privileges whatsoever deemed necessary or convenient for the prosecution of its affairs, and which the organization is authorized to acquire, at such price or consideration and generally on such terms and conditions as they think fit, and at their discretion, to pay therefore either wholly or partly in money or otherwise;

i) Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in their opinion its interests would thereby be promoted;

j) Create, issue and make deeds, mortgages, trust agreements and negotiable instruments secured by mortgage or otherwise, and to do every other act or thing necessary to effectuate the same;

k) Create trusts, terminate and effectuate the same;

l) They may adopt rules and regulations concerning the conduct of meetings not inconsistent with the Constitution or these Bylaws.

m) Determine the manner in which referendums shall be held, subject to review and modification by the General President, as permitted by Article VI, Section 1(h) of the International Constitution;

n) Affiliate this Local Union with Joint Council No. 41, and such other subordinate bodies of the International Brotherhood of Teamsters as it shall be required to do, or which it

believes is in the interest of this Local Union, and to maintain such affiliations in good standing at all times.

o) To do all acts, whether or not expressly authorized herein, which the Board may deem necessary or proper for the protection of the property of the local and for the benefit of the organization and members.

p) The provisions of this Article shall be qualified as follows: All expenditures, investments, contributions, loans, sales or acquisition of property whether real or personal which exceeds in any one instance, the sum or value of an amount equal to three thousand dollars (\$3,000), shall, following the approval of the Executive Board, be presented to the next regular membership meeting for action. Nothing therein shall require the membership approval of the items entitled Allowances, Expenses and Benefits under Article XV.

q) The Executive Board shall hold regular meetings at least once a month without other notice than this Bylaw, and may hold other meetings at such time and place as shall be determined by the President.

r) A Majority of the Board shall constitute a quorum for the transaction of business at any meeting for the Board. The action of a majority of the Board present at a meeting at which a quorum is present shall be the action of the Board.

s) By action of the Board, Board members who are not full time paid officers or employees of the organization may be paid their expenses, including wages lost, if any, for attendance at each meeting of the Board. However, officers who are full time employees of the Local Union shall not receive additional payments for attendance at Executive Board or membership meetings.

t) On matters requiring action by the Executive Board, when the Executive Board is not in formal session, the Executive Board may act by telegram, letter or long distance telephone. When the President requires action by the Executive Board, he may obtain the same by telegraph, writing or telephoning to the members of the Executive Board and such members may take action on the matter brought to their attention in the same manner. Such action so taken by the majority of the members of the Executive Board shall constitute action of the Board as though the Board were in formal session.

u) The Local Union Executive Board shall have the duty to investigate any alleged breach of fiduciary duty or other allegations concerning misconduct of office when circumstances so warrant and to take appropriate

action if the investigation so merits.

## **ARTICLE XIV**

### **OFFICERS – GENERALLY**

#### 1. Oath of Office

All officers of the International Union and affiliated bodies when installed after election shall be required to take the following oath of office:

I, \_\_\_\_\_, do sincerely promise, upon my honor as a trade unionist and a Teamster, that I will faithfully use all of my energies and abilities to perform the duties of my office, for the ensuing term as prescribed by the Constitution and Bylaws of this Union. As an officer of this great Union, I will, at all times, act solely in the interests of our members, devote the resources of our Union to furthering their needs and goals, work to maintain a Union that is free of corruption, to preserve and strengthen democratic principles in our Union and to protect the members' interests in all dealings with employers. I will never forget that it is the members who put me here, and it is the members whom I will serve. I further promise that I will faithfully comply with and enforce the Constitution and laws of the International Union and Bylaws of this Union, that I will, at all times, by example, promote harmony and preserve the dignity of this Union. I further promise, that at the close of my official term, I will promptly deliver any money or property of this Union in my possession to my successor in office.

2. The right to assume office or hold office or position in the Local Union shall never be deemed a property right, but shall be a personal privilege and honor only. Any action taken by an officer in good faith and within the scope of his authority and power under these Bylaws shall not be the basis for any personal liability against such officer.

3. All officers of the Local Union must, as a condition of holding office, execute all necessary forms required by law in order to be filed with any federal or state agency either for and in behalf of the local or as an officer or employee thereof, but accidental default shall not be considered a violation of the duty imposed by this section.

4. All officers in the performance of their duties shall adhere to the terms of these Bylaws and the International Constitution.

5. An officer-elect may be installed at the same meeting at which he is elected, provided he has otherwise qualified.

6. All Business Agents will be selected along with other officers. Agents added between terms will not attend conventions as delegates

unless otherwise elected to do so.

7. The officers, business agents, stewards and other representatives of this Local Union occupy positions of trust in relation to the Local Union and its members as a group and are, therefore, accountable to the membership with respect to the performance of their duties in handling funds and property of the Local Union. The failure or refusal by an officer, business agent, steward or other representative of this Local Union, upon demand of the Local Union Executive Board or of any individual member for good cause, to render a proper and adequate accounting or explanation respecting the performance of his duties in handling funds and property of the Local Union shall constitute a ground for charges under Article XIX of the International Constitution on which trial shall be had under the provisions set forth in Article XXI hereof.

8. The elected officers and Business Agents of this Local Union shall be delegates to other subordinate bodies and Conventions thereof, by virtue of their office or elected position and in accordance with the applicable provisions of the International Constitution and the Constitution and Bylaws of such other subordinate bodies.

## **ARTICLE XV ALLOWANCES, EXPENSES AND BENEFITS**

### **1. Allowances**

Recognizing that the officers and representative of this organization do not work regularly scheduled hours and receive no compensation for overtime or premium pay; also recognizing that such individuals are required to pay varying amounts for lodgings and meals depending upon the city to which they travel, which amounts are sometimes less, but more often more than the allowances given them, and recognizing that they must participate in cultural, civic, legislative, political, fraternal, educational, charitable, social and other activities in addition to their specific duties as provided in the Constitution and these Bylaws; that such activities benefit the organization and its members; that the time spent in such activities is unpredictable and unascertainable, such officers, representatives and employees may be granted an allowance (both for in town and out of town work respectively, which in the case of out of town work shall include hotel and meal expenditures) in such amount (daily, weekly, or monthly) as the Local Executive Board may determine and there shall be no need to make a daily or other accounting to the Local Union membership for

such allowance.

In addition to the allowance set forth above, all officers and employees may be reimbursed for, or credit provided for, all other expenses incurred in connection with their activities.

## 2. Expenses

When a representative of the organization is engaged in activities in the interest of or for the benefit of the organization and its members, the labor organization shall pay the expenses incurred therein, or reimburse the representative upon receipt of itemized vouchers from him or the supplier of such services.

## 3. Automobile and Telephone Allowances

The Local Union shall provide its representatives as determined by the President with automobiles if the Local Union funds permit, or in lieu thereof, they shall be paid an allowance for mileage in such amount or at such rate as shall be determined by the Executive Board. In either event adequate insurance coverage shall be determined by the Union which shall be in addition to all other automobile allowances.

In such instances where the Local Union either provides an automobile or provides an allowance for the use of the automobile, it is recognized that such officers or employees are required to be on instant call at all times, may be required to garage such car, and are responsible for its safe keeping. Accordingly, for the convenience of the Union and the officers or employees, such officers or employees shall be permitted private use of such car on a round-the-clock, continuous basis, including private use when the car is not required on union business.

The President is empowered to sell, exchange, or lease automobiles, or arrange financing therefore in behalf of the Local Union from time to time provided that in his opinion the Local Union funds permit.

Based upon the reasoning set forth in the matter of automobiles, such officers as the Executive Board may designate shall have the use of a telephone in their homes, on a round-the-clock basis, the expense, cost and charges of which shall be borne by the Local Union.

## 4. Benefits

The Executive Board may from time to time provide the terms and conditions of employment for officers, employees and representatives of this organization including, but not limited to such fringe benefits as vacations with pay, holidays, sick leave, time off for personal leave, and, in connection therewith any disability or sickness health and welfare and retirement benefits and activities, and facilities relating thereto, and may from time to time provide changes therein. Except there shall be no lump sum severance pay to any officer, agent or employee upon their

being voted out of office.

## **ARTICLE XVI NOMINATIONS AND ELECTION OF OFFICERS**

1. Meetings as hereinafter established for nomination of officers shall be held in November subject to the provisions of the International Constitution. Local Union elections shall be held not less than thirty (30) days after nominations have been closed. The Executive Board shall set the time and place of nominations and elections and such time and place and other relevant arrangements shall be convenient to the greatest possible attendance by all the members.

### **2. Time of Elections**

Every Local Union shall elect its officers by secret ballot not less often than once every three years. Officers shall hold office until their successor is duly elected and installed.

### **3. Notice of Rules, Nomination Meeting and Election**

At least twenty (20) days prior to the date of the nomination meeting, specific notice of the date, time and place of the nomination meeting and the offices to be filled shall be mailed or shall be published in any Local Union publication mailed to the membership (except that notice of nominations, and elections may be combined); each member shall be advised in such notice that the election rules are set forth in the Bylaws and International Constitution which are available upon request.

### **4. Eligibility of Members**

#### **a) To nominate, vote for, or support candidates**

Every member whose dues are paid up through the month which is prior to the month in which the nomination or election is held shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in collective bargaining agreement shall be declared ineligible to nominate, or vote for, a candidate for office in the Local Union, by reason of a delay or default in the payment of dues by the employer to the Local Union. However, a member who is on check off shall be under a duty to pay his dues directly to the Local Union if he has no monies owing to him by his employer which are subject to his checkoff authorization on the date when the employer deducts the dues of other members.

#### **b) To stand for election**

To be eligible for election to any office in this Local Union, a

member must be in continuous good standing in this Local Union and actively employed at the craft within the jurisdiction of this Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold the office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5 of the International Constitution concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in this Local Union because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

Every member in good standing, by the payment of his dues on or before the last business day of the current month, in accordance with the International Constitution, and who has been in such continuous good standing for each consecutive month in the twenty-four (24) month period immediately prior to nominations, and who has attended at least fifty percent (50%) of the regular or divisional meetings of the Local Union during the twenty-four (24) consecutive months prior to nomination, shall be eligible to hold office, if he is otherwise qualified under the International Constitution and these Bylaws; provided, however, such requirement of attendance at fifty (50%) of the preceding regular or divisional meetings of the Local Union shall become prerequisite only to nominations made after July 19, 1974. The Local Union shall keep accurate records reflecting those members who are in attendance at each meeting, and shall exempt from the attendance requirement any member, who, because of illness, regular employment, or other good cause is unable to attend a meeting. This exemption system shall be uniformly and fairly applied. Payment of dues after their due date shall not restore good standing status for such month or months in computing the continuous twenty-four (24) month good standing status required by this Section as a condition of eligibility for office. However, a member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of

said notice in order to retain good standing status.

Failure of a Local Union to issue a withdrawal card shall not be conclusive proof that a nominee was actively employed at the craft within the jurisdiction of the Local Union during the required twenty four (24) month period prior to his nomination if a challenge is made based on evidence to the contrary, in which event a determination shall be made on the facts presented. Periods of unemployment during the twenty-four (24) months period preceding the nomination shall not be considered a break in active employment at the craft within the jurisdiction of the Local Union if the nominee was actively seeking and available for employment in the craft, and not working outside the craft during such periods of unemployment.

Members in a reserve component of the military or National Guard who are called to active service lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, may have their eligibility determined in accordance with Article II, Section 4(a)(4) of the International Constitution.

#### 5. Nomination Procedures

a) Nominations shall be held in accordance with provisions of Article XVI (1) above at the general or special membership meeting or meetings or at a meeting or meetings of each separate division, craft or place of employment authorized by the Local Union Executive Board to hold separate meetings. If nominations are held at separate division, craft or place of employment meetings, the members may nominate candidates from their own or any other division, craft or place of employment for election to Union office. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meetings and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of a special meeting in the month of November or December, at which meeting nominations and the conduct of elections shall be the sole order of business.

b) Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee. Candidates are advised to verify the good standing status of their nominator and seconded prior to the nomination meeting.

c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nominations being made.

d) If an election committee is used, after nomination each candidate for the office of President, Secretary-Treasurer and Recording Secretary may designate one (1) member for service thereon who shall thereupon be appointed by the President.

e) In the event only one (1) candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the nominations meeting, effective as of the conclusion of the term of the previous incumbent.

f) A member otherwise eligible to run for office shall become a bona fide candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person or, if absent, in writing and may accept nominations for only one office. After a candidate has accepted nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed.

g) Every member eligible to nominate candidates shall be entitled to nominate one (1) candidate, but only one (1), for each office open. Prospective candidates may not nominate themselves nor second their own nomination.

h) If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in Article XIII(1)(f).

i) If there is only one (1) nominee for office and he is finally ruled ineligible after the nomination meeting, then the office shall be filled by appointment by the newly elected Local Union Executive Board.

## 6. Elections

a) After the nominations meeting, but not less than twenty (20) days prior to the election, specific notice of the date, time and place of the elections and of the offices to be filled shall be mailed to each member at his last known home

address, if no notice has previously been sent. The election shall be held at such place or places and at such time, not earlier than thirty (30) days after the nomination meeting, as may be designated by the Local Union Executive Board. The election shall be by secret ballot to be placed in boxes, unless the Local Union Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote, the election box or boxes or machine or machines, however, to be located at a place or places designated by the Local Union Executive Board; balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m.; and it shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election.

b) Voting shall be conducted by secret ballot among the members in good standing. There shall be no proxy voting. Each such member shall be entitled to one vote. The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. The General President shall also have the authority to direct the use of mail referendum balloting or absentee balloting, without membership approval, any action of the Local Union Executive Board to the contrary notwithstanding. Absentee voting by mail shall be permitted only upon application of members who are ill, or absent from the city or town where they are normally employed at the time of voting, or because on vacation or on employment tour of duty. The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer not less than five (5) days prior to the date set for election and shall contain the grounds therefore. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close. Absentee voting shall be conducted with all proper safeguards for secrecy of the ballot. Voting by writing in the name of a person who was not duly nominated shall not be permitted. Any ballot shall be declared void if it contains any mark other than the voting mark.

c) Each candidate, at his own expense, shall have the right to have an observer other than himself at each polling place and at the counting of the ballots who must be a member of the Local Union in good standing. Observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope which in turn shall be sealed in a blank envelope which in turn shall be sealed in an envelope with the name of the voter thereon. Challenges shall be investigated to determine their validity, if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon and the name bearing envelopes destroyed. Upon request of any candidate, deemed reasonable by the Election Committee, voting machines, if used, shall be checked for proper operation. Candidates shall have the right to be present at the counting of the ballots.

d) To be eligible to vote in the election, a member must have his dues paid through the month prior to the month in which the election is held and must still be an active member on the day of election. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto except in the case of trustees in which the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of principal officer of the Local Union, in which case there shall be a reelection between only the candidates who have tied for the highest number of votes and only for the principal office. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at next meeting following their election. The officers-elect shall take office at the end of the term of the incumbent officers, regardless of the date of installation, which installation may take place at either the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Except as provided above, no runoff election shall be held.

e) No officer may run for another office in this Local Union, the term of which covers part of his current term, unless he resigns from his current office, effective upon the certification of the results of the election. He shall announce his intention to resign not later than thirty (30) days prior to

the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation. No officer may hold another office in any other Local Union (other than a trusted Local Union) during his term of office except by authorization of the General President and the Local Unions involved.

f) There shall be write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for the office is concerned and such ballot for that office shall not be considered as having been cast in determining vote for that office.

g) During the period between the date of election and the end of the term of office no extraordinary expenditures of Local Union funds shall be made, and no action shall be taken that commits the Local Union to make such extraordinary expenditures in the future, without the approval of the officers-elect and the membership. An expenditure shall be considered extraordinary if it falls within the definition set forth in Article XXII, Section 4(e) of the International Constitution. In the event the election results in a new complement of officers, the outgoing officers must comply with the restrictions in Article XXII, Section 2(b) of the International Constitution regarding entering into contracts for personal services.

#### 7. Duties of Secretary-Treasurer in Connection with Nomination and Election

a) The Secretary-Treasurer shall at least twenty (20) days prior to the holding of the nominations give notice, as above provided, to the membership of the time, place and date and the offices for which nominations will be in order in connection with election. Such notice shall be given in the manner determined by the Local Union Executive Board, consistent with these rules.

b) The Secretary-Treasurer shall review the eligibility to hold office of any member at such member's request and shall make a report on the eligibility of that member within five (5) days thereafter to any interested member.

c) Unless a joint nomination-election notice was sent, the Secretary Treasurer shall give written notice to the membership of the Local, at least twenty (20) days prior to any election date, of the time, place, date, hours, and number of offices upon which voting shall be held, by mailing of

such notice to the members' last known home address.

d) Upon reasonable request of any declared and eligible candidate for office, the Secretary-Treasurer shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that such candidate pays the reasonably estimated cost involved in advance. The Secretary-Treasurer shall not delay the distribution of any candidates mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Secretary-Treasurer may require that all campaign literature shall be presented to him at the principal office of the Local Union no later than a reasonable number of days prior to the election and all candidates shall be given reasonable notice of the cutoff date. The Secretary-Treasurer may, where in his judgment it appears necessary, provide for a consolidation of such distribution in which case the cost of such distribution shall be assessed upon the candidates involved in pro rata basis.

e) The Secretary-Treasurer to the extent required by law shall upon reasonable notice make available for inspection by any bona fide candidate the membership list of the Local Union covered by union security agreements once within thirty (30) days prior to the election date. No candidate shall be permitted by the Secretary-Treasurer to copy any names or addresses of employees shown on such list and such inspection must be made in the presence of the Secretary-Treasurer or his designee.

f) The Secretary-Treasurer shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received therefore, and shall also retain a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, all ballots, ballot return envelopes and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.

#### 8. Nomination and Election Protests

a) Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee. The decision of the General President shall be appealable to the General

Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution. In the event there shall be any protests or member prior to the holding of the election, such protest or charge shall be made in writing by such member within forty-eight (48) hours of his knowledge of the event complained of and shall specify the exact nature and specifications of protest. Such protest or charges shall be made to the Local Union Secretary-Treasurer who shall refer the protest or charges to the Local Union Executive Board for disposition. The decision of the Local Union Executive Board shall be appealable to the General President, pursuant to the provisions of Article VI, Section 2 of the International Constitution.

b) In the event there shall be any protest or charge by any member concerning the conduct of the election, after the election has been held, such protest or charge shall be made in writing by registered or certified mail by such member within seventy-two (72) hours after the final tally of ballots setting forth the exact nature and specification of the protest and his claim as to how it has affected the outcome of the election. Such protest or charges shall be made to the Secretary-Treasurer of the Joint Council, or State Conference, if there is no Joint Council, with which the Local Union is affiliated and the protest or charges shall be referred to the Joint Council Executive Board for disposition. The Joint Council Executive Board shall meet to consider the protest and shall conduct a hearing as prescribed by Article XIX of the International Constitution. The decision of the Joint Council Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention, in accordance with the provisions of Article XIX of the International Constitution to the extent that such provisions may be applied to an election protest or charges.

c) If votes are challenged such challenge shall be made in writing at the time of the election with specific reasons given for such challenge.

## **ARTICLE XVII**

### **DUES AND INITIATION FEES**

1. The regular monthly dues of this organization, initiation fees and

reinitiation fees are as appear in Appendix "A" attached hereto and made a part hereof as if fully rewritten herein.

2. As appears in Appendix "A" the dues are related to the hourly rate for employees in that particular Class. All dues relating to a particular Class as set out in Appendix "A" shall uniformly apply to all members falling within such Class. Any member, who by virtue of wage increases, falls within a higher Class shall be required to pay such higher dues as are related to such Class automatically by virtue of the dues structure as set out in Appendix "A".

3. Any member who shall be three months in arrears in the payment of dues, fines, assessments, or other charges, shall automatically stand suspended at the end of the third month and shall not be entitled to any rights or privileges of membership. Any member who has been automatically suspended for failure to pay dues and other charges shall be under a continuing obligation to pay dues during the period of his suspension. Upon payment of the delinquent dues and reinitiation fee, the member shall be restored to good standing status. However, payment of dues shall not restore good standing status if fines and other charges due are not paid. The Local Union Executive Board shall have the power to waive, or reduce, on a non-discriminatory basis, the payment of delinquent dues, assessments, and/or reinitiation fees for good cause shown.

4. An increase, other than by International Constitution action, in any or all of the dues attributable to any or all of the Classes as set out in Appendix "A", or initiation fees or the levying of any general or special assessments shall be made only in accordance with the following procedure:

a) Specific written notice (or notice published in any union periodical mailed to the membership) shall be mailed by the Secretary-Treasurer to each member at his last known home address at least fifteen (15) days prior to the meeting at which the membership will consider the question of whether or not such dues, initiation or reinitiation fees, general or special assessments shall be changed or levied and the Class or Classes to which such dues increase would be applicable. The notice shall indicate that a proposed increase or assessments is to be voted on.

b) At the meeting called as provided for in this section voting shall be by secret ballot of the members in good standing.

c) A majority vote by secret ballot of the members in good standing voting at such meeting shall decide the issue.

d) Nothing contained in Article XVII (4) of these Bylaws

shall preclude the Local Union Executive Board in the exercise of its discretion, from directing that a membership vote on issues involving dues, fees, or assessments be conducted by mail ballot referendum after appropriate notice and with safeguards for preserving the secrecy of the balloting.

## **ARTICLE XVIII**

### **MEETINGS**

#### **1. Regular Meetings**

Regular monthly meetings shall be held as provided by the International Constitution at such places and at such times as designated by the Local Executive Board, subject to the disapproval by the membership.

Members in attendance at meeting shall have the right to express their views, arguments or opinions upon any business properly before the meeting subject to these Bylaws and the rules and regulations adopted by the Executive Board pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or advocate any conduct that would interfere with the Local Union's performance of its legal or contractual obligations.

The Executive Board is authorized to permit membership meetings to be held on a division craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of the organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members. Membership meetings permitted under this subsection shall be subject to all of the requirements of regular membership meeting and rules.

When the Executive Board authorizes such meetings by division, craft or place of employment, each such meeting shall be conducted by the officers of the Local Union or by their designees and under the same procedures and rules as a general membership meeting, excepting only special meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc.

On all matters which apply to the general membership, the votes of the meeting of each particular division, craft, or place of employment shall be totaled to determine the action of the Local Union in such matter.

Members at each separate division, craft or place of employment

authorized to hold separate meetings may vote separately on initiation fees, dues and assessments which may apply to them alone, if higher than the minimum applicable to the general membership; and may, when authorized by the local Executive Board, vote separately on approval or disapproval of, or on matters arising under, contracts applicable only to them, and strikes or other activities in which only they will participate.

## 2. Special Meetings

Special meetings of the Local may be called by the President upon reasonable notice to the membership which notice shall specify the business to be brought before such meeting and only the business so specified shall be considered at the meeting. Upon failure of the President to call a special meeting within a reasonable time after a petition signed by ten percent (10%) of the membership has been filed therefore at the principal office of the organization which petition shall specify the business to be brought before such meeting, a majority of the Executive Board may call such meeting by giving reasonable notice to the membership by action taken at a duly-called Executive Board Meeting. Such special meetings shall not be considered a substitute for the regular monthly meeting for purposes of satisfying the meeting attendance requirement of Article XVI, 4(B).

## 3. Quorum

A Quorum of a general special membership meeting shall consist of fifteen members. The local Executive Board shall establish the number constituting the quorum for division, craft or place of employment meetings.

## 4. Referendum

When a referendum is authorized by the Local Union Executive Board, in respect to any question or situation where a vote of membership is required under the Constitution or these Bylaws, the Executive Board shall give reasonable notice, through the Secretary-Treasurer, of the time, date, place and question or situation upon which the referendum is to be held. Subject to the provisions of Article VI, Section 1(h) of the International Constitution, every member eligible to vote in an election under Article XVI, Section 4(a) herein shall be eligible to vote on any question before the membership meeting or in a referendum. Only members affected shall be permitted to vote concerning matters not affecting the entire membership. Each voter shall vote on the approval or rejection of the question. The Executive Board shall, at least ten days in advance of the referendum, adopt rules and regulations for conduct of the referendum.

## 5. Conduct of Union Meetings

The Local Union Executive Board or the presiding Chairman at

any meeting is authorized to exclude from any meeting any member against whom charges are pending.

If it should appear to the presiding Chairman that any member is so conducting himself to constitute a threat to the orderly conduct of the business of the meeting, he may order him ejected, subject to appeal to the membership.

At any time when the judgment of the presiding Chairman of the meeting it appears that the meeting has become so disorderly as to prevent proper deliberation on the matters which might properly come before the meeting the presiding Chairman shall have the right to adjourn such meeting forthwith, upon his own motion, and without second, and even though there may be other motions upon the floor.

There shall be no appeal from such action since it is taken as a result of conditions which would prevent orderly consideration of the appeal by the meeting.

If such action is taken by the presiding Chairman, the time and place for a subsequent meeting, if there is to be one, shall be determined by the Local Union Executive Board. If no such determination is made, then the next meeting shall be the next regularly scheduled meeting.

The Local Union Executive Board may at any time prior to or at a meeting disqualify from attendance at such meeting those members as to whom it has reasonable cause to believe that their presence at such meeting will cause disturbance or disorder.

The Presiding Chairman can detail members or other persons to remove persons who have been ordered removed, or to prevent attendance of members who are "under the influence" or disorderly without calling upon the police.

The rights of members to attend meetings, to remain in such meetings or to participate in matters which come before such meetings are subject to the above powers and duties of the presiding Chairman and of the Local Union Executive Board.

## **ARTICLE XIX**

### **MEMBERSHIP**

1. An applicant shall be considered a member when he shall meet all the following requirements for membership:

- a) Written application for membership as determined by the Local Union.
- b) He shall have signed a dues check off authorization permitting the initiation fee to be withheld from earnings. If no dues check off authorization is signed, membership shall

date from the first month for which dues are paid, once full payment of the initiation fee is completed. Or he shall have tendered the initiation fees and one month's dues by cash.

c) Acceptance of his application and dues by the Union.

d) Taking the obligation at such time and place as the President or his designee shall prescribe, unless dispensed with by the Local Union by policy or practice.

In the event the applicant shall fail to take the obligation as prescribed by the President or his designee in the first ten (10) days following the acceptance of his application he shall forfeit the monies tendered except for good cause shown.

e) The first money received from an applicant for membership must be applied to the payment of dues for the month in which the applicant is obligated to pay dues. If this Local Union permits an applicant to pay an initiation fee on a deferred basis, the installment payments must be allocated to first satisfy the member's dues obligation.

Membership for new members shall date from the first month for which dues are paid once full payment of the initiation fee is completed. All new members presenting themselves for initiation shall receive upon request a free copy of the International Constitution and Local Union Bylaws from the Local Union. However, any alleged failure to receive such copy shall not excuse a member from violation of any duty or obligation imposed upon him by his oath of office, initiation or membership.

## 2. Good Standing

a) A member shall lose his good standing membership in the organization by suspension or expulsion from membership after appropriate proceedings consistent with the Bylaws or the Constitution, or by nonpayment of dues on or before the last business day of the current month. Members whose dues have been withheld by their employer pursuant to a voluntary checkoff agreement shall not be declared in bad standing merely because the employer fails to remit checkoff dues to the Local Union on or before the last day of the month. However, a member who is on checkoff shall be under a duty to pay his dues directly to the Local Union if he has no monies owing to him by his employer which are subject to his checkoff authorization on the date when the employer deducts the dues of other members. Payment of dues to an officer or steward authorized by this Local Union to collect such dues shall be deemed payment to the Local

Union.

A member in suspended status, because of his failure to pay his dues or other obligations as required by the International Constitution and these Bylaws, and not suspended or expelled from membership pursuant to disciplinary action, may reinstate his good standing for the purpose of attending Local Union meetings and voting at elections by the payment of all delinquent dues and other financial obligations prior to such meeting and election.

### 3. Issuance of Transfer and Withdrawal Cards

a) The issuance of transfer cards must be handled in strict compliance with Article XVIII, Sections 1 and 2 of the International Constitution. The acceptance of transfer cards must be in accordance with the provisions of Article XVIII, Section 3 and 4. The jurisdiction to issue honorable withdrawal cards must be handled in strict compliance with

Article XVIII, Section 6 and 7 of the International Constitution.

b) When the Local Union is required to give to a member an honorable withdrawal card under the terms of the International Constitution and its Bylaws it may provide for the continuance of Local Union benefits to such inactive member under conditions which it may set forth, but such inactive member shall not be permitted to hold office or vote, and shall have only such right to participate in the meetings and the affairs of the Local Union as shall be uniformly permitted by the Local Union Executive Board.

c) A withdrawal card shall be issued to any member, including a Local Union officer, who has retired, except that a member who continues to work at the craft, excluding employment with his Local Union, shall be required to retain active membership.

d) Upon the approval of these Bylaws by the General President, supervisory employees and such other classifications as the Local Union Executive Board may lawfully determine, shall take no part on committees, selected to negotiate wages and working conditions with employers, and shall not be permitted to vote on any such agreement or on any vote to strike or take other action with respect to the agreement to which they may be subject or parties.

Supervisory employees shall not be permitted to hold office unless permitted by federal, state, local or provincial law.

### 4. Responsibility of Member to the Local Union

a) Every member by virtue of his membership in this Local Union is obligated to adhere to and follow the terms of

the Local Union's Bylaws and the International Constitution with respect to his rights, dues, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

b) Every member, by virtue of his membership in the Local Union, authorizes his Local Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer governing terms and conditions of employment and to act for him and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his employment with such employer in such manner as the Local Union or its officers deem to be in the best interests of the Local Union, all subject to Article XII and other applicable provisions of the International Constitution relating to such matters. The Local Union and its officers, business representatives and agents may decline to process any grievance, complaint, difficulty or dispute if in their reasonable judgment such grievance, complaint or dispute lacks merit. The provisions of Article XII, Section 2 relating to area, multi-area, national company-wide or industry-wide contracts, shall supersede any provision of this Section.

c) No member shall interfere with the elected officers or business representatives or business agents of this organization in the performance of their duties and each member shall, when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with the individual rights as members. Each member shall adhere to the terms and conditions of collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its legal or contractual obligations.

No member shall commence any litigation without first presenting a written complaint to the Executive Board. Upon receipt of such complaint the Executive Board shall forthwith convene a trial panel composed of Executive Board members. Such trial shall be conducted in accordance with the procedures of Article XXI herein, Charges and Trials. Upon the termination of such hearing the Executive Board within ten (10) days will cause a decision upon such

complaint to issue in writing. If an aggrieved member wishes to have rights of appeal he must follow the procedures of Article XIX, Trials and Appeals, International Constitution, before starting any litigation as set forth above.

d) No member shall engage in dual unionism or espouse dual unionism or disaffiliation in the course of any meeting, shall not slander or libel the Local Union, its members or its officers, shall not be a party to any activity to secure the disestablishment of the Local Union as the collective bargaining agent for any employee.

e) No member shall be permitted at any assembly or meeting of other members to engage in any of the conduct hereinbefore described.

f) Every member shall follow the rules of order at all meetings of the Local Union.

g) Membership in this Local Union shall not vest any member thereof with the right, title or interest in or to the funds, property or other assets belonging to the Local Union nor or hereafter and no member shall have a property right to membership in this organization.

h) No member seeking to resign from membership in any Local Union may do so except by submitting such resignation in writing to the Secretary-Treasurer of the Local Union. Any member who resigns before he has paid all dues, assessments, fines and other financial obligations owing to any subordinate body shall be obligated to pay such obligations to his former Local Union. All members acknowledge that any obligations owing at the time of resignation shall be collectible by the Local Union in any appropriate forum. This shall not relieve any member of any obligation to comply with any other provision of this Constitution regarding acquisition or maintenance of membership in good standing.

## **ARTICLE XX**

### **STEWARDS**

Stewards are not officers or agents of the Local Union. Stewards to be elected at their barn by vote of craft fifty percent (50%) plus one (1) to win. Stewards must stand for re-election each three (3) years, a steward can be recalled within the three (3) years, by a majority petition, or by Executive Committee by reason of activity that would jeopardize the Union. Stewards shall have such duties as the Executive

Board or President may assign to them from time-to-time.

## **ARTICLE XXI**

### **CHARGES AND TRIALS**

1. Each member of this Union shall have the right to fair treatment in the application of union rules and law in accordance with the International Constitution and these Bylaws. In applying the rules and procedures relating to union discipline, the essential requirements of due process of law (notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality followed in the courts of law.

Recognizing that these requirements of fairness and due process of law will be administered by groups of laboring men, this Local Union adopts the following procedures which supplement the requirements of Article XIX of the International Constitution. The following procedural guides are designed to attain justice both to the individual member and the organization, and in instances where deviations from such procedures are not such as to substantially affect the members substantive right, these procedures are not to constitute technically precise requirements of strict pleadings of courts of law.

#### **2. Trials and Appeals**

a) Trial. Every member charged with a violation of these Bylaws or the International Constitution shall be accorded a full and fair hearing as required by law. No member of the Local Union Executive Board involved in the subject matter of the charge, shall sit on the trial board. The decision on disqualification under this provision, if raised by an interested party, shall be made in the first instance by majority vote of the Local Union Executive Board, whose decision shall be appealable as party of the case, in accordance with the appeal procedure of the International Constitution and these Bylaws. The officer alleged to be involved shall not vote on whether he is qualified to remain on the hearing panel. If the member charged or preferring the charges is a member of the Local Executive Board, or if a member of the Local Executive Board is unable to attend the hearing for any reason, then the principal executive officer of the Local Union shall appoint an uninvolved member as a substitute. If either the President or Secretary-Treasurer of the Local Union is charged or preferring the charges, or is unable to attend the hearing for any reason, the other officer

shall appoint the substitute. If both the President and Secretary-Treasurer of the Local are charged or are preferring the charges, or for any reason are unable to attend the hearing, the remaining members of the Local Union Executive Board shall appoint the substitutes. Charges by, against or involving a majority of the members of a Local Union Executive Board shall be filed with the Secretary-Treasurer of the Joint Council for trial by the Joint Council Executive Board. In no event shall any involved officer or member serve on a hearing panel, participate in the selection of a substitute member of a hearing panel, or participate in the decision making process of the trial body.

Whenever the words "Joint Council" appear in other sections of these Bylaws, they shall mean Joint Council or State or Multi-State Joint Council and include State or Multi-State Conferences in all matters relating to disputes and appeals where there is no chartered Joint Council.

b) Charges. Charges shall be in writing and signed by those filing same and must be filed in duplicate with the Local Union Secretary-Treasurer of the body which is to hear the charges, who shall serve the charges and notice of the hearing upon the accused either in person or by registered or certified mail at least ten (10) days prior to the hearing. No hearing on any charge shall be held less than ten (10) days from the date on which notice of the hearing has been served on the parties unless all parties agree to waive this requirement. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case. The charges must set forth the provisions of the International Constitution or these Bylaws allegedly violated and the acts which allegedly constitute such violation in sufficient detail to inform the accused of the offense charged, including, where possible, dates and places. Charges shall not be processed unless the charging party files them within six (6) months after he learned, or in the exercise of due diligence should have learned, of the facts upon which the charges are based. If charges are filed, the charging party must include in the charges all alleged offenses of which he has knowledge, or in the exercise of due diligence should have knowledge, as of the time of the filing of the charges he may not subsequently file additional charges based upon facts of which he had knowledge, or in the exercise of due diligence should have

had knowledge, as of the time of the filing of the charges. Any charge based upon alleged misconduct which occurred more than five years before the discovery of the conduct giving rise to the charge is barred and shall be rejected by the Secretary-Treasurer except charges based upon the nonpayment of dues, assessments and other financial obligations. No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded. Nor shall a member or officer be required to stand trial on charges that are substantially the same as arise under the same circumstances as prior internal Union charges against such member or officer provided that a decision was denied on those prior charges. Charges against elective officers of the Local Union shall be limited only to those activities or actions occurring during their current term of office, and only those activities and actions occurring prior to their current term which were not then known generally by the membership of the Local Union. Charges may be preferred against a suspended member or an ex-member who has been issued a Withdrawal Card.

c) In the event of non-compliance with the decision handed down by a trial or appellate body, the member, elected Business Agent, Officer or Local Union shall stand suspended from rights and privileges under the International Constitution until the provisions of the decision have been complied with, unless the General President has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal.

d) Rights of the Accused. Through the proceeding, there shall be a presumption of innocence in favor of the accused. In order to be sustained, the charge must be supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favorable to him and cross-examine adverse witnesses. The charging party, the accused and the Local Union Executive Board may select only a member in good standing of the Local Union to represent them at a hearing conducted before

any trial or appellate body. Witnesses need to be members of the Union. The hearings shall be open to other members, subject to the discretion of the Local Union Executive Board in maintaining order and in excluding witnesses except when testifying.

e) Action by the Local Union Executive Board. A summary of the testimony and evidence introduced at the hearing shall be made and a copy of such summary shall be furnished the accused. The Local Union Executive Board shall have the authority to determine the manner of reporting the hearings and shall have the authority to exclude any method not authorized by it. Any request by a party that a verbatim record be made must be received by the Executive Board not later than five (5) business days prior to the scheduled commencement of the hearing and shall be honored. If the Local Union Executive Board decides to have a transcript or recording of the hearing made, the Local Union Executive Board shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any interested party for copying of consultation without cost. If on appeal any appellate body makes a transcript or recording of the proceedings on appeal, such appellate body shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any party for copying or consultation without cost. Within a reasonable time after completion of hearing, the Local Union Executive Board shall decide the case. The decision of the Local Union Executive Board shall be in writing and contain the charges, its own factual findings and decision, and a notice to the parties informing them of the proper body to which they may appeal, and the time within which the appeal must be filed. A copy of the decision of the Local Union Executive Board must be forwarded to the parties without delay. A copy of all documents in the proceedings shall be kept available at the Local Union's principal office until final disposition is made of the case.

f) Appeals. Appeals shall be taken pursuant to the provisions of Article XIX of the International Constitution.

3. Article XIX, Sections 6, 7 and 8 of the International Constitution are hereby intended to be a part of the basis for charges which can be brought against members, officers and business agents. Such grounds

are included in the International Constitution referred to but are not necessarily limited thereto.

## **ARTICLE XXII**

### **EXHAUSTION OF REMEDIES**

No member or officer of this Local Union shall resort to any court or agency outside this Local Union or the International Union unless and until he has exercised all his rights as a member and all forms of relief and avenues of appeal and provided by the International Constitution or these Bylaws have been exhausted by him, unless otherwise provided by statute.

## **ARTICLE XXIII**

### **BONDING**

1. Every officer, agent, shop steward, employee or other representative of this Local Union who handles funds or other property of this organization within the meaning of Article XIII herein shall be bonded in accordance with the requirements of the International Constitution and Statute. The amount and type of bond required of each person shall be ascertained by the Executive Board, and the premium charges shall be paid out of the general funds of the Local Union.
2. If the Executive Board, in its sole judgment, believes that it would be to the advantage of this organization to join with the International and/or any or all of its subordinate bodies or affiliated Local Unions in obtaining a bond or bonds covering persons in this Local Union and such other organizations under a bond or bonds issued to said International Union or other subordinate body, then, in such event, the Executive Board is authorized and empowered to enter into such arrangements and pay from the general funds of this Union the cost for bonding these persons in this Union, but such surety coverage shall conform to the requirements set forth in Section 1 of this Article.
3. Should the bond of any person required to be bonded be cancelled after surety coverage has been afforded, then, such person shall be allowed thirty days within which to arrange either for reinstatement of his coverage or the substitution of another bond meeting the requirements of Section 1 above to take the place of the cancelled bond. However, during the period such person is not covered by such surety bond, the Executive Board shall make whatever arrangements shall be

necessary to relieve such person of the handling of any money or property of the Union.

4. If an employee referred to in Section 3 above cannot within 30 days provide the surety bond required in conformity with the provisions of Section 1 above, the Executive Board shall be authorized and empowered to permit him to remain in his position under such arrangements as it may consider reasonable, but shall not require him to handle any of the money or control any of the property of the Local Union.

5. If an officer referred to in Section 3 above cannot within 30 days provide the surety bond required in conformity with the provisions of Section 1 above, that officer shall automatically be deprived of holding any office for which a bond is required, unless the International Constitution shall provide otherwise.

## **ARTICLE XXIV DELEGATES**

1. Each member of the Executive Board who shall be elected by secret ballot to his office shall, as a result of such election, be a delegate with full rights to the Joint Council to which this Local Union is required to be affiliated. Executive Board members who have been appointed and business representatives who are not members of the Executive Board shall be required, as part of their duties, to attend and participate in the deliberations of such body or bodies at the Union's expense; subject to the limitations uniformly imposed by the Constitution of the International and the Joint Council Bylaws, or by Statute.

2. The President may appoint as delegates, to central bodies, and delegates to all conventions of labor, including any trade, craft, regional or other conference, or to any other local, state or national body, other than the bodies referred to in 1 above and other than the convention of the International Brotherhood of Teamsters, any member of the Local Union who meets the qualifications imposed upon officers by the Constitution and these Bylaws.

3. All delegates of this Local Union shall perform the duties imposed upon them by the Constitution, these Bylaws, and the Constitution and the Bylaws of the organization to which they are delegates, and their actions in accordance therewith shall be deemed in the best interests of the membership of this Local Union.

## **ARTICLE XXV TRANSFER, WITHDRAWAL AND REINITIATION**

1. Any member who secures employment in another craft must apply for and shall be given an honorable withdrawal card, provided he is in good standing and that all dues, assessments and fines have been paid by him prior to the date of withdrawal, and in the event such member shall not take such withdrawal card, his rights as a member shall be as set forth in Article XIX above.
2. Transfer cards and withdrawal cards shall be issued and accepted as provided by the International Constitution and any person accepted as a member as a result shall be required to be present to take the obligation of membership as set forth in these Bylaws.
3. Any expelled member may be subsequently reinstated to membership in the Local Union from which expelled, or permitted membership in another Local Union, only by the action of the General Executive Board and upon fulfillment of other requirements of membership appearing herein.

## **ARTICLE XXVI**

### **STANDING RULES FOR UNION MEETINGS**

Rule 1. The regular order of business may be suspended by a majority vote of the meeting at any time to dispose of anything urgent.

Rule 2. The Chairman of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.

Rule 3. Any conversation, by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business, shall be deemed a violation of order.

Rule 4. Attending meetings under the influence of liquor is basis for removal.

Rule 5. All business done in the Local Union shall be strictly secret to all outside the Local Union.

Rule 6. When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair he shall state his name.

Rule 7. If two or more members rise to speak, the Chair shall decide who is entitled to the floor.

Rule 8. Every member, while speaking, shall adhere to the question

under debate, avoid all personality and indecorous language, as well as any reflection on the Local Union or any member thereof but all members shall have the right to express their views, arguments, and opinions upon candidates and upon any business properly before the meeting.

Rule 9. No member shall interrupt another while speaking except to a point of order, and he shall definitely state the point, and the Chair shall decide the same without debate.

Rule 10. Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.

Rule 11. If any member shall feel himself personally aggrieved by a decision of the Chair, he may appeal from the decision to the meeting without debate.

Rule 12. When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chairman to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member taking the appeal will have the right to state the grounds of appeal, and the Chair will give his reasons for the decision. Thereupon, the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the Chair.

Rule 13. No member shall speak more than once on the same question until all the members wishing to speak have had an opportunity to do so; nor more than twice without the permission of the Chair, nor more than ten (10) minutes at one (1) time.

Rule 14. All resolutions and motions, other than the first six in Rule 18, or to accept or adopt the report of a committee, shall be reduced to writing by the Recording Secretary before the President shall state the same to the Local Union.

Rule 15. In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be admitted until the question is stated by the Chair.

Rule 16. Any member may call for a division of a question when the subject or sense admits thereof.

Rule 17. All votes other than amendments to these Bylaws or Rules of Order may be reconsidered at the same or next succeeding meeting upon a motion made and seconded by two (2) members who voted in the majority, provided the Local Union agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.

## **PRIVILEGED QUESTIONS**

Rule 18. The following motions shall have precedence in the following order: First, to adjourn; second, to close debate; third, to take up the previous question; fourth, to table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth, to amend. The first four shall be decided without debate.

Rule 19. The following motions are not debatable: One, to adjourn; two, to table; three, the previous question.

Rule 20. When a question is postponed indefinitely, it shall not come up again, except on a majority vote.

Rule 21. The motion to close debate may be made by two (2) members, and shall be put in this form: "Shall the debate now close?" If adopted, the President shall proceed to take up the question before the membership, according to priority, without further debate.

Rule 22. The call for the previous question on the original motion may be made by six (6) members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take up the question on the original motion to the exclusion of all debate and all amendments which have not been adopted.

Rule 23. If proper motion to amend has been made, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall then be put as follows: (1) amendment to the amendment; (2) amendment; (3) original proposition.

Rule 24. A motion to adjourn shall always be in order except: (1) when a member has the floor; (2) when members are voting.

Rule 25. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Local Union, until fifteen (15) minutes have elapsed.

## **VOTING**

Rule 26. The Chair shall state every question coming before the Local Union before permitting the opening of debate thereon.

Immediately before putting it to a vote he shall ask, "is the Local Union ready for the question?" Should no member rise to speak on the question, or if a majority shall vote to close discussion, the Chair shall put the question. After he has risen no member shall be permitted to speak further upon it.

Rule 27. When the presiding officer has commenced taking the vote, no further debate or remarks shall be allowed, unless a mistake has been made, in which case the mistake shall be rectified and the presiding officer shall recommence taking the vote.

Rule 28. Every member present shall vote on all questions before the Local Union unless personally interested. A motion to excuse a member from voting shall be but without debate.

Rule 29. When a motion has been declared carried or lost by acclamation any member, before the Local Union proceeds to other business, may call for a count, by the “yeas” and “nays” but such a count cannot be called unless demanded before the Chair has put the question.

Rule 30. A count of the “yeas” and “nays” may be called for by two (2) members and upon the assent of one-third (1/3) of the members present shall be taken.

Rule 31. (a) Any question on procedure in debate, not provided for herein shall be governed by Roberts’ Rules of Order.

(b) One (1) tap of the gavel shall call to order; two (2) taps to be seated; three (3) taps to rise.

## **ARTICLE XXVII**

### **STANDING COMMITTEES**

The Standing Committees of this Local Union may include Committees on Bylaws, Political Action and Legislation, Finance and Organization, Application, Unemployment, Grievance, Benefits, Agreements, and such committees shall perform such duties and functions as shall be assigned to them from time to time by the President.

## **ARTICLE XXVIII**

### **INTERNATIONAL CONSTITUTION**

The Local Union acknowledges that the Constitution of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America supersedes any provisions of these Bylaws herewith or hereinafter adopted which may be inconsistent with such Constitution. The Local Union hereby readopts, as its Constitution, such International Constitution, and incorporates herein by reference, as though fully set forth herein, all such provisions of such Constitution, as

it may be interpreted, modified, or amended from time to time, which are applicable to Local Union matters and affairs, and shall perform all the duties imposed upon a Local Union by such Constitution.

Neither this Local Union, nor any of its officers, business representatives or employees, has the power to make any contract or agreement nor to incur any liability which shall be binding upon the International Union or any of its affiliates other than this Local Union unless the written consent of the governing body or executive officer thereof has first been obtained authorizing such action. Neither this Local Union nor any of its officers, representatives or employees has been authorized or empowered to act as an agent of the International or any of its affiliated bodies and shall not be deemed an agent for any such body unless expressly authorized in writing, by the governing body or executive officer of such body to act in that capacity. No agreement or contract shall be binding upon this Local Union unless executed and delivered by its duly authorized officers, and a contract or agreement for personal services shall not be binding beyond the expiration of the term of the Executive Board at the time such contract or agreement is made. This shall not prevent a Local Union Executive Board from entering into a bona fide collective bargaining agreement with another union covering Local Union employees, subject to the requirements of Article XXII, Section 2(b) of the International Constitution.

## **ARTICLE XXIX**

### **LOCAL UNION PROPERTY**

No property of the Local Union, and no property in the possession, custody or control of this Local Union or any of its officers, representatives or employees and no property held in trust by any trustees for and in behalf of this Local Union, expressed or implied, which was created or established by this Local Union, and whose purpose is to provide benefits for the Local Union, itself, or the members of the Local Union or their beneficiaries, shall be given, contributed, donated or appropriated, either directly or indirectly, to aid or assist or be expended in behalf of any seceding, dual or antagonistic labor organization or group, nor to any local union which is acting in violation of the Constitution of the International.

## **ARTICLE XXX NEGOTIATIONS, RATIFICATION OF AGREEMENTS, STRIKES AND LOCKOUTS**

1. Whenever a collective bargaining agreement is about to be negotiated, modified or extended at the request of the Employer or by this Local Union, the President shall call a meeting to determine and authorize the bargaining demands to be made. The President shall determine whether such meeting shall be limited to the members in a particular division, craft, or place of employment. Where this Local Union is a participant in an area-wide or conference-wide agreement, it is understood that the bargaining demands of this Local Union may be accepted, modified or rejected by the over-all negotiating committee in accordance with such rules, procedures, or specific arrangements as may be adopted by the area-wide, conference-wide or national bargaining group.
2. Proposed collective bargaining agreements shall be submitted by the Secretary-Treasurer to the Joint Council two (2) copies of all proposed collected bargaining agreements with a company in an industry in which there is an area standard established by pre-existing agreements or amendments thereto for approval before submission to the Employer. If no Joint Council exists, such proposals shall be submitted to the State Conference for its approval. In those cases where the proposed agreement is for operations which are already subject to an area-wide agreement, or a prospective area-wide agreement is already planned, the proposed agreement shall be submitted to the Director of the appropriate trade conference or Division for approval before submission to the employer.
3. Ratification of agreements or amendments shall be subject to vote in the same manner as provided for in connection with bargaining demands as set forth in Section 1 above, unless the Union's Bargaining Committee is given full power and authority to consummate the agreements or amendments; or in the case of area-wide, conference wide or national agreements in accordance with the Constitution, rule or specific arrangements adopted by such bargaining group, except that where the General Executive Board had directed the Local Union to refrain from executing such agreement, no proposed agreement shall be considered ratified by a vote until and unless it is specifically approved by the General Executive Board. True copies of final agreements arrived at the Local Union shall be filed by the Secretary-Treasurer with the Economic and Contracts Departments of the International Union within sixty (60) days after execution, together with a list of the names

and location of employees and numbers of employees covered by such agreements. The Secretary-Treasurer shall, as of January 1<sup>st</sup> of each year submit to the Economic and Contracts Departments of the International Union a list of agreements in effect, showing the name of the employer or employers, parties thereto, location or locations, and the expiration date.

4. If a settlement cannot be reached in connection with the negotiation or modification of a collective bargaining agreement between the members of this Local Union and an employer after the officers have used reasonable means of achieving a settlement through the processes of collective bargaining, the matter shall be subject to the strike procedure, conditions and qualifications set forth in the International Constitution. The President may, in his discretion, provide that the strike vote be limited to the members employed in a particular division, craft, or place of employment. In cases where area-wide, conference-wide or national agreements are involved, it is understood that the specified majorities of the members covered by the agreement must vote to strike as set forth in Article XII, Sections 1 or 2 of the Constitution, and in such event, such strike vote shall apply to this Local Union, irrespective of the individual vote of this Local Union on that question.

5. Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement. Nor shall a strike vote be required for a strike in support of demands that a unit employer agree to the terms and conditions of an agreement already negotiated and approved on a state, multi-state, multi-area, multi-employer or national, company-wide or area basis of which unit such employer as a member. In either case, the Local Union Executive Board, subject to the approval of the General President, may call the strike in support of its position, and may also, with the approval of the General President, terminate such strike without vote.

6. At least 48 hours prior to a strike, and in the case of a boycott, lawsuit or other serious difficulty, the Secretary-Treasurer shall immediately notify the Joint Council of which it is a member of any contemplated action as required by the Constitution.

7. Strike and lockout benefits shall be payable to members only as provided by and in accordance with the International Constitution. The Secretary-Treasurer shall be responsible for the securing of such benefits where the Local Union is eligible to receive them, to execute all documents required by the International and to return all moneys from the International Union remaining unused by the Local Union at the close of the strike or lockout.

8. Strikes which are not terminated by the conclusion of a collective bargaining agreement or by arbitration or otherwise, may be terminated in such manners as the Executive Board shall determine appropriate.

## **ARTICLE XXXI**

### **SAVING CLAUSES**

1. The provisions of this Constitution relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all such financial obligations imposed by or under this Constitution and Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

The General Executive Board is authorized to adopt any plan or arrangement relating to such requirements and obligations which may be imposed by applicable law.

2. If any provision of these Bylaws shall be declared invalid or inoperative, by any competent authority of the executive, judicial, or administrative branch of federal or state government, the Local Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section of these Bylaws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.

3. Where used in these Bylaws, words in the masculine also shall read and construed as in the feminine in all cases where such construction would so apply.

## **ARTICLE XXXII**

### **AMENDMENTS**

Any member may propose amendments to these Bylaws, which shall be in writing. The proposed amendments, unless otherwise

directed by the Executive Board, shall be submitted to the Local Union and read at two regular meetings and voted upon at the next regular meeting. Amendments must be approved by a two-thirds (2/3) vote of those members present and voting. If approved, the amendment shall be sent to the office of the General President for approval and shall take effect immediately upon receipt by the Local Union of such approval.

## **ARTICLE XXXIII**

### **OBLIGATION**

Fellow worker, you will now take an obligation that will bind you to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and this Local Union, and that will in no way conflict with your religious belief or your duties as a citizen:

I, \_\_\_\_\_ pledge my honor to faithfully observe the Constitution and the laws of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and the Bylaws and laws of this Local Union.

I pledge that I will comply with all the rules and regulations for the government of the International Union and this Local Union.

I will faithfully perform all the duties assigned to me to the best of my ability and skill.

I will conduct myself at all times in a manner as not to bring reproach upon my Union.

I shall take an affirmative part in the business and activities of the Union and accept and discharge my responsibilities during any authorized strike or lockout.

I pledge not to divulge to non-members the private business of this Union, unless authorized to reveal the same.

I will never knowingly harm a fellow member.

I will never discriminate against a fellow worker on account of race, color, religion, sex, age, national origin, or sexual orientation.

I will refrain from any conduct that would interfere with the Union's performance of its legal or contractual obligations.

I will at all times bear true and faithful allegiance to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and this Local Union.

## **ARTICLE XXXIV**

### **FISCAL YEAR**

The fiscal year of this organization shall be January 1 to December

31.

Adopted by Local 413 on October 20, 1985.

These Bylaws became effective on June 22, 2007 and were approved by the International Brotherhood of Teamsters on June 22, 2007.

Approved:

Tony Jones  
President

Chuck Schnell  
Secretary-Treasurer

Bud Raver  
Vice President

Dave Daniels  
Recording Secretary

Michael Snyder  
Trustee

Robert Branson  
Trustee

Carl Snodgrass  
Trustee

## **APPENDIX “A”**

1. The minimum monthly dues of this organization shall be calculated on the basis of the formula set forth in Article X, Section 3(d) of the International Constitution.

2. Initiation fees and reinitiation fees shall be \$150.00 for all members, as approved by the Executive Board and Membership in December 1977.

Provided, however, that such amounts as herein set forth in this paragraph may be reduced at the discretion of the Executive Board on a non-discriminatory basis, such as on an industry to industry basis or in situations connected with organization of employees, or when in the discretion of the Executive Board such reduction would be warranted.

3. The reinitiation fee shall be the current initiation fee in whatever class you are reinstating into. However, such amount may be reduced at the discretion of the Executive Board on a nondiscriminatory basis, such as on an industry to industry basis or

when in the discretion of the Executive Board such reduction would be warranted.

4. General or special assessments and levies may be made from time to time in the manner as hereinbefore provided in Article XVII, Section 4, of these Bylaws.

5. In the case of conflict between these Bylaws and the Constitution of the International Brotherhood of Teamsters, said Constitutional provisions shall control.

