

Article 1  
NAME

This organization shall be known as the Turlock Emergency Medical Services Association United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 12911 (“TEMSA-USW” or the “Local Union”).

Article 2  
PURPOSE AND MISSION

First, To unite in this Local Union with all working men and working women who are members of the International Union and who are within the jurisdiction of this Local Union.

Second, to establish through collective bargaining adequate wage standards, shorter hours of work and improvements in the conditions of employment for workers in industry.

Third, to engage in educational, legislative, political, civic, social, welfare, community and other activities; to advance and safeguard the economic security and social welfare of workers in industry, the International Union, its Local Unions and the free Labor movements of the United States, Canada and the world; to seek to eliminate all forms of discrimination, to protect and extend our democratic institutions and civil rights and liberties; and to perpetuate and extend the cherished traditions of democracy and social and economic justice of the United States, Canada and the world community.

Fourth, to encourage the organization and affiliation of unorganized workers who, subject to the provisions of the International Constitution, may be placed within the jurisdiction of this Local Union.

Sixth, to take all steps and actions consistent with the Constitution and policies of the International Union, and these Bylaws, to implement and carry out the objects, rights, activities and responsibilities of this organization and the International Union.

Article 3  
Eligibility

Section 1. All members in good standing of the International Union who are within the jurisdiction of this Local Union shall, by virtue of such membership in the International Union, constitute the membership of this Local Union.

Section 2. Persons having supervisory power shall be eligible for membership subject to the terms established by the International Executive Board.

Section 3. No person shall be eligible for membership, or for nomination or election or appointment to, or to hold any office, or position, or to serve on any Committee in the International Union or in this Local Union or to serve as a delegate who is a consistent supporter of, or who actively participates in,, the activities of any hate based-racist, terrorist, or other organization which advocates violence to affect government policy or to oppose the democratic principles to which the United States and Canada and our Union are dedicated.

This eligibility requirement shall be in addition to any other eligibility requirement imposed by any other Article or Section of the Constitution.

#### Article 4 ELECTION OF OFFICERS

Section 1. Officers of this Local Union shall be: President, Executive Vice President, Secretary-Treasurer, Communication Assistant Secretary, and at least three (3) Executive Vice Presidents representing established chapters of the Union.

Section 2. No member shall at the same time be a candidate for or hold more than one of the offices named in Section 1 of this Article

Section 3. Officers shall be elected for a term of three years at the last meeting in April 2009, or on such other day and/or at such other hours in April 2009 as the membership shall determine and which will enable all members who so desire to vote. The election shall be by a plurality vote of the members in good standing participating in a secret ballot vote. Those elected in April 2009 shall be installed at the first regular meeting in May 2009 and shall serve until their successors are elected and qualified, at which time all money, official records and documents, and all property belonging to the Local Union shall be turned over to such successors. In any case in

which only one eligible member has been nominated for an office, and that member has indicated acceptance of the nomination within the time limits and in the manner prescribed by the approved By-Laws or rules of the Local Union, no election need be held for that office, and the member who has been so nominated shall be deemed elected. An Officer who retires from an enterprise serviced by the Local Union shall not be permitted to continue in office.

Section 4. The date of the Local Union elections for Local Union Officers must be advertised among members at least fifteen (15) days previous to the date of the election by mailing notice of the date, place and hours of the election to each member in good standing at the member's last known home address. The notice must also specify the Local Union offices to be filled. Nominations shall be made at the immediately preceding meeting. However, if the Local Union holds two meetings in each month, nominations may be made at the last meeting in the month preceding the month in which the election is held. Notice of the nominations meeting shall be given to the membership at least one (1) week in advance of the meeting.

Section 5. No member shall be eligible for election as a Local Union Officer unless:

- A. The member shall have been in continuous good standing for a period of 24 months immediately preceding the month in which the election is held; and
- B. The member is employed in an enterprise, public or private, or other place within the jurisdiction of the Local Union; and
- C. The member shall have attended at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately preceding the month in which the election is to be held. Meetings which a member was prevented from attending because of such member's Union activities, working hours, service in the armed forces of the United States, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section; provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons.

Any member who claims an inability to attend a Local Union meeting because of a “sickness which confines” must notify the Secretary-Treasurer of the Local Union within one month of such meeting; otherwise the meeting will be counted as a meeting held in determining such member’s eligibility under this Article.

Section 6. Local Union elections shall be conducted in accordance with the provisions of the Local Union Elections Manual adopted by the International Union.

Article 10  
DUTIES OF EXECUTIVE BOARD AND OFFICERS

Section 1. Executive Board.

The Executive Board is the governing body of the Local Union elected every three (3) years. The Executive Board is authorized and empowered to take all lawful actions consistent with the Constitution and Bylaws of the Union.

- A. The Executive Board shall consist of a President; an Executive Vice President; a Secretary-Treasurer; Communications Assistant Secretary; and at least three (3) additional Chapter Vice Presidents representing each of the established chapters of the Union.
- B. Scheduling and frequency of Executive Board meetings will be determined by the Executive Board (but will be held at least every other month). Meetings shall be open to all members in good standing.
- C. Special meetings of the Executive Board may be scheduled by the President, or the Executive Board may call a special meeting based upon a request from one half of the Board members.
- D. The Executive Board shall approve an annual budget as recommended by the President, examine all financial statements, and approve the appropriation of funds necessary to carry out the business of the Union.

- E. All meetings of the Executive Board shall be conducted in accordance with the current edition of Robert's Rules of Order.
- F. Minutes of regular or special meetings shall be presented in writing to the Executive Board for adoption at its next regularly scheduled meeting.
- G. A majority of the filled seats of the Executive Board shall constitute a quorum for the transaction of Union business at a meeting of the Executive Board. Decisions of the Executive Board shall be decided by a majority vote of those present and voting, once a quorum has been established.
- H. The Executive Board shall have the authority to oversee and direct the policy and the financial affairs of the Union.
- I. The Executive Board shall establish the compensation for the full-time officers and Vice Presidents of the Union.
- J. The Executive Board shall approve the compensation, terms and conditions of employment for the staff of the Union.
- K. The Executive Board shall approve contracts for services rendered to the Union. These contracts shall include, but are not limited to, legal services, member benefit programs, auditing and accounting services, and facility leases.
- L. Members shall have the right to address the Executive Board on issues or unresolved problems in accordance with reasonable guidelines established by the Executive Board.
- M. In the event that any member of the Executive Board fails to attend three (3) regular meetings of the Executive Board in a twelve (12) month period without a reason approved by the Executive Board, that member's seat shall be declared vacant.
- N. Executive Board members shall be deemed, by virtue of their election to Union positions, by length of membership in the Union, and its predecessors, elected delegates to the

International Convention, and any other conventions, conferences, councils and bodies to which this Union is entitled to send delegates. If it shall appear that the number of elected Union officers is less than the number of delegates which the Union will be entitled to, then arrangements shall be made for nomination and secret ballot election, if required, of an additional number of eligible members as convention delegates. Nominees for such position, if unopposed, shall be deemed elected without necessity for further procedures. If the total number of elected Union officers is greater than the number that the Local Union is permitted to send to the convention(s), the President, Secretary-Treasurer shall attend as delegates. Additionally, the Executive Vice Presidents will be selected in descending order of the number of votes each received in the last election. The Executive Board shall determine the number of delegates and alternates which shall represent the Union at the convention(s).

- O. In order to be eligible for nomination and election to an officer position or Executive Board position, a nominee must have been a member in good standing of the Local Union and/or its predecessors, continuously for two (2) years immediately prior to the nomination.
- P. The two (2) year membership requirement may be waived for those nominees from newly organized facilities and/or newly affiliated members who are running for Executive Board Vice President, but not any other office.

## Section 2. Duties of President.

The President shall be elected by the regular members and retired members at large to serve as the Union's Chief Executive Officer. The President shall administer the affairs of the Union and to implement the policies of the Union on a day-to-day basis. The President duties shall include but are not limited to:

- A. The President shall preside at all meetings of the Local Union and preserve order, and shall decide all questions of order, subject to an appeal to the Local Union. The President shall

have the right to vote at all elections of Officers, and when the members are equally divided on other questions, shall have the deciding vote.

- B. The President shall call special meetings by request of ten members in good standing of the Local Union. This request shall be in writing, shall state clearly the purpose of the meeting and shall be signed by those making such request. Notice of all special meetings must be given to the members of the Local Union by bulletin board posting or other reasonable means. The business of the special meeting shall be confined to the subject for which that meeting was called, and the meeting shall be conducted in accordance with the same procedures as govern regular meetings. The above provision concerning the holding of a special meeting does not require the Chair at such meeting to entertain a motion to vote on a matter which was acted upon after notice at a previous meeting. In the absence of a provision of the International Constitution or the Local Union By-Laws specifying the method of voting at such meeting the membership in attendance at such meeting shall determine the method of voting.
- C. The President shall comply with the mandates of all membership votes and/or decisions of the Executive Board.
- D. The President shall preside at all meetings of the Executive Board and at membership meetings, conferences, conventions, and other Union functions as necessary.
- E. The President shall hire, fire, assign, and direct the Union's staff in accordance with any applicable rules, laws and regulations, and pursuant to any staff related policies adopted by the Executive Board.
- F. The President shall assign and direct the Union's staff within the operating budget approved by the Executive Board.
- G. The President shall, together with the Secretary-Treasurer or Vice Presidents, shall sign financial contracts and agreements

subject to the polices of the Executive Board and the Constitution and Bylaws.

- H. The President shall sign all collective bargaining agreements as the Union's official representative after ratification by the membership and signing by the appropriate negotiating committees and/or staff.
- I. The President shall represent the Union in the community, in the media and at meetings, conferences or conventions of organization that the Union is affiliated with; and generally act as the chief spokesperson for the Union.
- J. The President shall vote on any matter before the Executive Board where his/her vote shall be the deciding vote.
- K. The President shall perform such other duties as the Local Union may assign and as are consistent with the Constitution and Bylaws.
- L. Subject to the approval of the Executive Board, the President may establish committees and appoint representatives to committees, standing or ad hoc, that may be necessary to further the interests of the membership or improve the functioning of the Union.
- M. The President shall have the authority to interpret the Constitution and Bylaws, subject to the approval of the Executive Board.
- N. (1) In the event that a vacancy occurs in the office of Executive Vice President, Secretary-Treasurer, or Chapter Vice President at any time during the term of office, the remaining Local Union Officers shall, by majority vote select a successor to serve for the remainder of that term.  
  
(2) The Local Union Officers may, at their discretion, hold an election to seek the guidance of the membership before selecting a successor to fill a vacancy in any of the offices described in (d)(1). When this option is used, the President shall

appoint a member of the Local Union to fill the vacancy until such election can be completed and the successor appointed to fill the vacancy. The President shall call for a special election as promptly as possible but such election shall not be held later than two (2) months following the occurrence of the vacancy. The date of the special election shall be advertised among the members at least one (1) week prior to that date. Nominations shall be made at the immediately preceding meeting, the date of which shall also be advertised in advance among the members at least one (1) week prior to that date.

(3) Wherever a Local Union Officer (except President), because of receipt of an extended vacation benefit or otherwise, will be unable to serve during an extended temporary period, a temporary replacement will be designated as provided in subparagraph (d)(5) of this section. The temporary replacement shall carry out all the duties of the office or post during such temporary period.

(4) Where the temporary vacancy is in the office of the Local Union President, the Executive Vice President shall assume the duties of the President including the authority to be one of the signatories to checks, and shall be known as "Temporary Acting President." When the temporary period has ended, the "Temporary Acting President" shall revert to the position of Executive Vice President.

(5) Where the temporary vacancy is in a Local Union Office (other than President), the Local Union Officers shall, by majority vote, select a "Temporary Acting" replacement. Temporary Acting Treasurers and shall be authorized, during the temporary period of their service, to be signatories to checks. A replacement shall serve only until the temporary period is ended.

(6) In the event of a vacancy none of the remaining officers either alone or acting together may perform the functions of the vacant office but rather the vacancy must be filled in accordance with the provisions of this section.

### Section 3. Duties of Executive Vice President.

The Executive Vice President shall be elected at large by the regular members and retired members. The Executive Vice President is a voting member of the Executive Board. The duties of the position include but are not limited to:

- A. The Executive Vice President shall comply with the mandates of all membership votes and/or the decisions of the Executive Board.
- B. The Executive Vice President shall assist the President in the discharge of the President's duties and during the President's absence shall perform the duties of the President.
- C. In the event that a vacancy occurs in the office of President, the Executive Vice President shall act as President for the unexpired term.
- D. The Executive Vice President shall direct staff at the request of the President.
- E. The Executive Vice President shall represent the Union when the President is unable or unavailable to do so.
- F. The Executive Vice President shall negotiate collective bargaining agreements at the request of the President.
- G. The Executive Vice President shall, together with the Secretary-Treasurer and Vice Presidents, shall sign checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws.
- H. The Executive Vice President shall represent the Union in various forums with employers, the community, the Labor movement, the media, legislative and regulatory bodies and other such forums.

### Section 4. Duties of Secretary-Treasurer.

The Secretary-Treasurer shall be elected at large by the regular members and retired members. The Secretary-Treasurer is a voting member of the Executive Board. The duties of the position include but are not limited to:

- A. The Secretary-Treasurer shall comply with the mandates of all membership votes and/or decisions of the Executive Board.
- B. The Secretary-Treasurer shall record the proceedings of the Local Union in a book kept for that purpose, read all papers and perform such other duties as are required by these By-Laws.
- C. The Secretary-Treasurer shall read to the Local Union communications which require attention.
- D. The Secretary-Treasurer shall keep full and accurate minutes of each Executive Board meeting and present such minutes at the next Board meeting for formal adoption.
- E. The Secretary-Treasurer shall keep a record of all members admitted by initiation or otherwise, as well as the current status of members; he or she shall keep a record of all fines or assessments by the Union; he or she shall keep a correct account of each member's standing; he or she shall sign and issue cards of membership; and he or she shall note and list the names of members deceased.
- F. The Secretary-Treasurer may, together with the President, shall sign checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws.
- G. The Secretary-Treasurer shall comply with the mandates of all membership votes and/or decisions of the Executive Board.
- H. The Secretary-Treasurer shall receive all money due the Local Union.
- I. The Secretary-Treasurer shall also keep accurately the accounts of the Local Union with its members.

- J. The Secretary-Treasurer shall work with professional staff to aid and assist in maintaining accurate records of all the financial affairs, membership records and information of the Union.
- K. The Secretary-Treasurer shall keep an accurate accounting of all receipts and disbursement of all monies, savings securities and/or property owned by the Union, and depositing all monies in a bank approved by the Executive Board.
- L. The Secretary-Treasurer shall make a detailed financial report at least once each month at the Local Union meeting covering the receipts and expenditures of all funds of the Local Union.
- M. The Secretary-Treasurer shall keep regular and correct accounts of all money received and paid by the Treasurer, and report at each meeting the balance of cash shown by the last report, the amount received since, the total checks issued and authorized, and the balance remaining.
- N. All money paid out by the Local Union from its treasury must be approved by the members at a Local Union meeting. Under no circumstances shall Officers or members pay bills without authorization by a Local Union meeting, nor shall the members authorize payment of any bill or incur any obligation for which funds are unavailable, nor shall the members authorize the payment of or incur a debt for any activity not in accordance with these By-Laws. Bills charged to the Local Union shall be submitted to the Secretary-Treasurer, who in turn shall submit them to the Local Union meeting for approval.
- O. Recurring standard bills (fixed salaries which have been previously authorized, taxes – local, state, and federal – rent, light, heat, etc.) may be paid by the Treasurer on a single authorization by the Local Union to pay such bills when due.
- P. The Secretary-Treasurer shall make accessible to members to financial records and Executive Board minutes upon request.

- Q. The Secretary-Treasurer shall have the responsibility of obtaining the appropriate bond and providing for the bonding of the President, Executive Vice President and any other individuals proposed by the Treasurer and approved by the Executive Board. The cost of any bonds shall be at the Union's expense.
- R. The Secretary-Treasurer shall assist in the preparation, presentation and adoption of an annual budget by the Executive Board.
- S. The Secretary-Treasurer shall forward copies of the annual audit, LM-2s and other required filings to the International Union.
- T. The Secretary-Treasurer shall have the authority to extend the usual period on initiation fees and dues or waive such, subject to the approval of the Executive Board or at the direction of the Executive Board.

Section 6. Duties of Communications Assistant Secretary.

The Communications Assistant Secretary shall be elected at large by the regular members and retired members. The Communications Assistant Secretary is a voting member of the Executive Board. The duties of the position include but are not limited to:

- A. The Communications Assistant Secretary shall assist the Secretary-Treasurer in the administration of the Union.
- B. The Communications Assistant Secretary shall attend membership meetings, talk to members, stewards and staff, and be accessible to the membership.
- C. The Communications Assistant Secretary shall identify, promote, recruit, train, and mentor stewards and members.
- D. The Communications Assistant Secretary shall recruit members to participate in the Union's organizing campaigns.

- E. The Communications Assistant Secretary shall communicate with the general membership, public and media about the activities of the Local.

#### Section 7. Duties of Chapter Vice Presidents.

The Chapter Vice Presidents shall be elected at large by the regular members and retired members. The Chapter Vice President is a voting member of the Executive Board. The duties of the position include but are not limited to:

- A. The Chapter Vice Presidents shall assist the President in the administration of the Union.
- B. The Chapter Vice Presidents shall attend membership meetings, talk to members, stewards and staff, and be accessible to the membership.
- C. The Chapter Vice Presidents shall identify, promote, recruit, train, and mentor stewards and members.
- D. The Chapter Vice Presidents shall recruit members to participate in the Union's organizing campaigns.
- E. The number of Chapter Vice Presidents to be elected shall be determined by the Executive Board.
- F. The Chapter Vice Presidents may, together with the President, shall sign checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws.

#### Section 8. Current Office Holders.

Except as described in the merger agreement between the Local Union and the International, individuals elected as officers of the Local Union prior to the merger shall remain as officers of the Union until the first officers' election to be held in April 2009.

#### Section 9. Officer Liability

The opinion of any attorney, accountant or other professional consultant or expert hired or retained shall constitute full and complete authority and protection in respect of any action taken, suffered or omitted by officers of this Union in good faith and in accordance with such opinion. Neither the President, nor any other officer of this Union shall be liable to any person or organization for any act which is not willful misconduct or in bad faith, done by the officer in effectuation of the purposes and objects of this Constitution and Bylaws and in the interests of the members of this Union.

#### Section 10. Authorized Representatives of the Union

The President, Executive Vice President, Secretary-Treasurer, and Chapter Vice Presidents shall be the only persons to act for, or on behalf of the Union. And the actions, declarations or conduct of any other person except those officers herein named, whether performed or made with respect to the Union or not, are not, and shall not constitute any authorized acts for, or on behalf of the Union, nor shall they cause or form the basis of liability of any nature whatsoever on the part of the Union.

#### Article 6 Compensation for Services

Section 1. All tax requirements in connection with the above payments shall be complied with.

Section 3. Pursuant to voluntary authorization of dues deductions, the Treasurer shall be responsible for establishing a procedure to deduct from the Union pay of Local Union Officers and/or representatives monthly dues which are not deducted by the company in any given month.

#### Article 7 Meetings

Section 1. The Local Union shall hold a general membership meeting at least once every month, except that a Local Union may, with the approval of the membership and the District Director, hold meetings, less often, but in no event less than quarterly.

Section 2. The membership meeting shall be held on the first Friday of each month at 11:00 a.m.

## ARTICLE 8 Membership

Section 1. A member is an individual employed in a bargaining unit for which the Union is the recognized bargaining agent and/or for which the Union seeks to be certified as the recognized bargaining agent for matters relating to wages, hours and other terms and conditions of employment; or is a Union officer or staff member. No applicant for membership shall be regarded as being a member in good standing until the full amount of initiation fee has been paid.

Section 2. A member shall pay dues promptly commencing with the month during which the member shall have been admitted, and shall continue to pay all dues, assessments and fines or other obligations promptly when due in order to be and remain in good standing.

Section 3. A member who has not lost good standing under other provisions of the International Constitution shall be in good standing if not more than three (3) months in arrears in any constitutional obligations, except in respect to assessments on which the member shall be not more than one (1) month in arrears.

Section 4. Members who lose good standing shall stand automatically expelled and devoid of all membership rights, and shall not be reinstated in good standing except upon such terms as the Local Union and the International Executive Board may decide.

Section 5. Any member who retains employee status in a bargaining unit represented by the International Union but who because of layoff has not, for twenty-four (24) continuous months, performed at least (5) days' work in any month in such bargaining unit shall be deemed not in good standing (but not expelled) and devoid of all membership rights until such time as the member is recalled or obtains employment in a bargaining unit represented by the International Union and resumes payment of current dues, at which time the member shall automatically be restored to good standing. No Local Union Officer or Grievance Committee Member shall lose good standing under this Section for the remainder of the term in office.

Section 6. A member not in good standing shall not be permitted to vote, nominate for office, hold office, or be a candidate for office.

Section 7. A member whose membership is terminated shall have no right or interest in any property of the Local Union or of the International Union, including any dues, assessments or other financial obligations paid

by such member in advance of the effective date of such termination.

## ARTICLE 9 Discipline

Section 1. Any member may be penalized for committing any one or more of the following offenses: (a) violation of any of the provisions of the International Constitution or of these By-Laws, any collective bargaining agreement, or rule of the Local Union; (b) obtaining membership through fraudulent means or by misrepresentation; (c) instituting, or urging, or advocating that a member of any Local Union institute action outside the Union against the International Union, Local Union or any of their Officers without first exhausting all remedies through the forms of appeal of the International Union; (d) advocating or attempting to bring about the withdrawal from the International Union of any Local Union or any member or group of members; (e) publishing or circulating among the membership false reports or misrepresentations; (f) working in the interest of or accepting membership in any organization dual to the International Union; (g) slandering or willfully wronging a member of the International Union; (h) using abusive language or disturbing the peace or harmony of any meeting in or around any office or meeting place of the International Union; (i) fraudulently receiving any money due the organization or misappropriating the monies of the organization; (j) using the name of the Local Union or the International Union for soliciting funds, advertising, etc., of any kind without the consent of the appropriate body or Officer of the International Union; (k) furnishing a complete or partial list of the membership of the International Union or of any Local Union to any person or persons other than those whose official position entitles them to have such a list; (l) deliberately interfering with any official of the International Union in the discharge of that official's duties; (m) deliberately engaging in conduct in violation of the responsibility of members toward the organization as an institution; and (n) deliberately interfering with the performance of the organization's legal or contractual obligations.

Section 2. It is an offense under this Constitution to harass a member at a union or workplace - related location or activity on the basis of race, creed, color, sex, sexual orientation, age, disability, nationality, or other legally protected status.

Section 3. Any member convicted of any one or more of the above offenses may be denied the right to be a candidate for or hold office or position in the Union, declared a member not in good standing, fined or otherwise appropriately disciplined.

Section 4. If any Officer of the Local Union, or delegate to an International Convention, is convicted of any one or more of the aforementioned offenses, such person may be penalized as herein before described, and removed from office or position.

ARTICLE 10  
Trials of Members and Local  
Union Officers

Section 1. Any charges against a member or Officer of the Local Union must be made in writing, signed by the member making the charges, and must be submitted to the Local Union. Upon submission of the charges, the Secretary-Treasurer shall send a copy by certified or registered mail to the accused member at the member's last known address.

The charges shall be sufficiently specific so as to enable the accused to prepare a defense. This means that the charges should indicate both the provision(s) of the Constitution or the Union's other rules allegedly violated and also a brief statement of the facts (names, dates, places) constituting that violation. If there is more than one charging party, they must designate a person to be responsible for receiving and filing documents related to the charges. Where the charges fail to designate such person, then the first charging member named in the charge shall be considered the representative of the others.

Section 2. Charges must be submitted within sixty (60) days of the time the complainant becomes aware of the alleged offense.

Section 3. A separate Trial Committee composed of three members shall be appointed, subject to the approval of the Local Union membership for each individual trial, and shall be given the responsibility of conducting such trial provided that in the case of multiple related charges the same Trial Committee may be appointed to try all such charges and may consolidate them into one hearing. Neither the accuser nor the accused shall be eligible for membership on the Trial Committee. If the accused member or the accuser is an Officer of the Local Union, such person shall not participate in the designation of the membership of the Trial Committee. No one shall be eligible to serve as a member of the Trial Committee who is a witness to the facts alleged to constitute a violation or who has a personal interest in the outcome of the Trial.

The Local Union action approving the appointment of the Trial Committee shall take place at the first meeting after the Local Union receives the charges unless the charges are received by the Local Union within five (5) days before the meeting in which event the Local Union action shall take place at the meeting following the first meeting after the Local Union receives the charges.

Section 4. Immediately after the Trial Committee has been selected by the Local Union pursuant to Section 3 of this Article, the Secretary-Treasurer of the Local Union shall send by certified mail or registered mail to the accused member at the member's last known address written notice of the time and place when the hearing will be held before the Trial Committee, a copy of such written notification of time and place shall also be sent to the member preferring the charges; and the accused member shall appear before the Trial Committee on said charges. A copy of the charge and notice of hearing shall also be sent to the International Secretary-Treasurer of the International Union by the Secretary.

Section 5. The hearing shall be held no sooner than two (2) weeks and no later than four (4) weeks from the date of the mailing of the notice and the charges to the accused member.

Section 6. Every effort shall be made to schedule the Trial so that it does not conflict with the working schedules of the parties. The hearing shall be conducted by the Trial Committee in an orderly manner and shall assure the full presentation to the Committee of all the facts. The accused shall be entitled to be present at all times during the hearing, investigation or argument of the case and shall be entitled to question all witnesses appearing in the matter so long as the questioning does not become insulting, unduly argumentative or repetitious. In the event that the accused fails to appear at the hearing at the time and place provided in the notice and presents no reasonable excuse for absence, the hearing shall proceed with the same force and effect as if the accused were present.

Section 7. At any time during the processing of charges alleging a serious violation by a Local Union Official of Section 2 of Article IX, the International President may, upon written request (sent by certified mail, overnight courier or other means providing proof of receipt), and where supported by preliminary investigation conducted on behalf of the

International President, summarily remove such Local Union Official from office during all or a portion of the time necessary to process the charge.

Section 8. The Trial Committee shall record minutes of its meetings and proceedings, and these minutes, together with any documents submitted, shall constitute the official record of the Trial Committee.

Section 9. A member placed on trial shall be permitted representation by a representative of the member's own choice, who shall be a member of the International Union; such representative, however, shall be required to abide by the trial procedure as established by the Trial Committee and as provided in these By-Laws. The same procedure shall be available to the person filing the charges.

Section 10. The Trial Committee, upon completion of the hearing upon the evidence and argument, shall go into closed session to determine the verdict and penalty. The Trial Committee shall prepare a report in writing, stating the facts briefly as it found them, and its conclusions and recommendations. A majority vote of the members of the Trial Committee shall be required to find the accused guilty.

Section 11. In case the accused is found guilty, the Trial Committee may recommend that the accused be reprimanded; assessed a fine; assessed a fine with automatic suspension and removal from office or position or expulsion in the event of the failure of the accused to pay the fine within a specified time; suspended or removed from office or position in the Local Union; or suspended or expelled from membership in the International Union; or otherwise appropriately disciplined.

Section 12. The Trial Committee shall submit its written report to the Local Union within two (2) weeks following completion of the hearing. At the same time a copy of the report shall be mailed to the International Secretary-Treasurer of the International Union and to the accuser and the accused by the Trial Committee.

Section 13. The Local Union Officers may convene a special meeting of the membership to consider the report of the Trial Committee. In such event the notice of the membership meeting shall inform the members that the report of the Trial Committee will be presented at such special meeting. Notice of such special meeting must also be given to the accused member(s)

and accuser(s).

Section 14. In the event the report of the Trial Committee is to be presented to the next regular meeting of the Local Union, the membership must be advised by special notice that the report of the Trial Committee will be considered at such regular meeting.

Section 15. The meeting at which the report of the Trial Committee shall be considered shall not be held earlier than one week or later than four weeks following the submission of the report of the Trial Committee to the Local Union.

Section 16. At the meeting of the Local Union, the Trial Committee shall present its written report. The report of the Trial Committee shall become effective only upon approval by a majority vote of the members present at the Local Union meeting. The Local Union meeting may approve or reject the report of the Trial Committee, modify the report in any respect, or order a new trial.

Section 17. The accused member shall be afforded full opportunity to present to the Local Union meeting the accused member's position on all matters bearing upon the trial and the report of the Trial Committee.

Section 18. A report of the Local Union's decision shall be forwarded immediately to the International Secretary-Treasurer of the International Union by the Secretary.

Section 19. A copy of the decision of the Local Union shall be forwarded by the Secretary-Treasurer using certified or registered mail, to the accused member and to the person who originally filed the charges. The accused or the accuser may appeal from the decision of the Local Union to the International Executive Board and thereafter to the next regular International Convention, provided that such person files notice of appeal with the International Secretary-Treasurer within thirty days after the mailing of the notice of the decision of the Local Union or the International Executive Board from which the appeal is taken. On appeals, the International Executive Board or such body as it designates - either itself or through a Commission or other mechanism - affords all parties the opportunity to present all arguments and facts whether or not presented in the proceedings at the Local Union level. Decisions on such appeals are

based on the evidence presented in the appeal. The International Executive Board shall not, in making its decision, be limited to the arguments or testimony presented at the earlier stages in the proceedings and shall be permitted to cure by its appeal proceedings procedural defects which may have occurred at earlier stages in the proceedings.

Section 20. The decisions of the Local Union and of the International Executive Board shall be given full force and effect unless a stay thereof is obtained from the International Executive Board.

Section 21. It shall be the duty of a member to exhaust all internal remedies and appeals provided under the Constitution and policies of the International Union and these Bylaws.

## ARTICLE 11

### Notification to Employers Regarding Status of Members

Section 1. Whenever a member has lost good standing by virtue of having become in arrears in the payment of dues or initiation fees, and the Local Union desires to have such person discharged from employment in accordance with the provisions of the outstanding collective bargaining agreement with the employer, the Local Union shall communicate with the International Secretary-Treasurer, setting forth the facts.

Section 2. The International Secretary-Treasurer will determine whether the employer should be notified that in accordance with the provisions of the contract the particular person must be discharged. The Local Union shall refrain from communicating with the employer until advised by the International Secretary-Treasurer as to the procedure to be followed on requesting the discharge.

## ARTICLE 12

### Finances

Section 1. Except for newly organized units, where initiation fees are waived pursuant to Article XIV Section 2, of the International Constitution, the initiation fees shall be ten dollars (\$10.00).

Section 2. Monthly dues for a member shall be an amount equal to

1.4% of said member's total earnings during the month provided that monthly dues shall not be less than five dollars (\$5.00) and provided further that monthly dues shall not be more than 2.5 times the member's average hourly earnings. For lump sum payments, dues shall be calculated separately by applying the 1.4% to such payments. The International Executive Board shall issue appropriate interpretive rulings. Fifty-six percent of the dues received by the Local shall be remitted to the International, and Forty-Four percent shall be retained by the Local.

Section 3. The full amount of all dues and initiation fees and assessments collected by the Local Union shall be deposited by the appropriate Officers of the Local Union in a bank account designated as a trust fund held for the International Union. The Officers of the Local Union shall forward to the International Secretary-Treasurer, within fifteen days after the close of any month, the full amount of the dues and initiation fees and assessments collected by the Local Union.

Section 4. Compulsory assessments may not be imposed by the Local Union unless approval has first been secured from the International Union and unless agreed to by a two-thirds (2/3) majority vote of the membership of the Local Union, voting by secret ballot after prior notice to the membership. At no time shall the Local Union assessment exceed two dollars (\$2.00) per member in any one year.

In addition, a Local Union which has removed the cap of 2.5 times the member's average hourly earnings referred to in Section 2 of this Article may, with the approval of the International Secretary-Treasurer, establish a supplemental local strike and defense fund to be financed by an increase in dues adopted by the Local Union by secret ballot vote, which increase shall not exceed \$3.50 per member per month. Distributions from the local supplemental strike and defense fund shall be in accordance with the rules of the International Strike and Defense Fund and such additional rules as may be established by the International Secretary-Treasurer.

Section 5. An individual member shall be entitled to exoneration from the payment of dues for any month for which the member has not become entitled to five (5) days' pay or its equivalent in wages and benefits in lieu of wages. The International Executive Board shall adopt rules and regulations governing the implementation, application and administration of this Section.

Section 6. In all cases, other than the one provided in Section 5 of this Article, where the Local Union desires exoneration from the payment of dues or initiation fees for certain of its members, the request for exoneration must be signed by the Local Union President, the Local Union Secretary-Treasurer, and approved by the District Director and the International Secretary-Treasurer.

Section 7. When exoneration is granted, the request on the required report must be renewed each month.

Section 8. All officers of the Local shall be bonded in accordance with applicable law.

Section 9. Effective January 1, 1999, an Organizing Fund has been created that will be funded and administered as outlined in Article XIV, Section 16 of the International Constitution.

### ARTICLE 13 Delegates to International Convention

Section 1. No member shall be eligible to be a delegate to an International Convention unless the member:

(a) is employed in an enterprise, public or private, or any other place within the jurisdiction of the International Union or is one of the staff representatives of the International Union;

(b) shall have been in continuous good standing for a period of twenty-four (24) months immediately preceding the International Convention; and

(c) has attended at least one-third (1/3) of the regular meetings held by the member's Local Union during the twenty-four (24) month period immediately preceding the month in which the delegate election is to be held. Meetings which a member was prevented from attending because of such member's Union activities, working hours, service in the armed forces of the United States or Canada, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section; provided, that the

member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures specified in the Local Union Elections Manual.

Section 2. Delegates to the International Convention must be elected at an official meeting of the Local Union or by referendum ballot election, after the Call for the International Convention is received and has been read to the Local Union. The Secretary shall issue a Notice, signed by both the Secretary-Treasurer and the Local Union President, at least one week prior to such meeting or election, stating that delegates are to be elected on a certain day.

Section 3. The Local Union may choose to have the Local Union President, if nominated at the official meeting, elected separately as a delegate by acclamation. In such event, the President shall be a delegate if approved by a majority of the members voting. Otherwise, the delegates to be selected from among the nominees must receive a plurality vote of the members voting.

#### ARTICLE 14 Transfer Certificates

Section 1. The Local Union may issue to a member in good standing a "transfer request" transferring membership to another Local Union. All transfer request forms must be obtained from the International Secretary-Treasurer by the Local Union Secretary-Treasurer.

Section 2. All members must immediately transfer to the Local Union having jurisdiction over the enterprise, public or private, at which they are employed.

Section 3. Transfer requests issued in violation of this Article shall be invalid.

#### ARTICLE 15 Strikes

No strike shall be called without the approval of the International President.

#### ARTICLE 16

Order of Business for Local  
Union Meetings

1. Call meeting to order.
2. Roll call of Officers - by Secretary-Treasurer.
3. Reading of the minutes of the previous meeting.
4. Reading of Communications.
5. Report of Officers
6. Report of Organizer or International Representative.
7. Initiation of New Members.
8. Report of Special Committees.
9. Reports of Standing (or Permanent) Committees.
10. Unfinished Business.
11. New Business.
12. Good and Welfare.
13. Adjournment.

ARTICLE 17  
Effective Date 8-3-10

Section 1. The provisions of these By-Laws which conform, as required, with the provisions of the standard By-Laws approved by the International Union are automatically in full force and effect. Any additions or amendments to additions to such standard By-Laws shall be in full force and effect after their adoption by vote at a regular meeting of the Local Union in accordance with the form and procedure provided for in Article XIX, and approval by the International Union.

Section 2. Notwithstanding anything to the contrary herein, these By-Laws and any additions or amendments to additions thereto shall be subject to, and shall not in any way be construed to supersede any of the provisions of the International Constitution or the Manuals and policies of the International Union.

ARTICLE 18  
Additions and Amendments  
to Additions

Additions and Amendments to additions may be made in the following manner:

1. Any addition or any amendment to an addition to the standard By-

Laws approved by the International Union and be in the form of either a new Subsection under the proper Section, a new Section under the proper Article, or a new Article.

2. All additions and amendments to additions to the standard By-Laws must not conflict with such standard By-Laws and must be submitted to the International Union for approval. Such additions shall become effective only after approval by the International Union.

3. Proposed additions or amendments to additions must be submitted in writing and read at two (2) consecutive Local Union meetings, and passed by a two-thirds (2/3) majority vote of the membership present at the next regular meeting. The subject matter of such additions or amendments to additions must be advertised to the membership through bulletin board or other medium prior to the meeting at which the vote thereon is to be taken. Such additions or amendments to additions shall become effective only after approval by the International Union.

President

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Executive Vice President

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Secretary Treasurer

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