

BYLAWS

LOCAL UNION 911

Article I. BYLAWS

Section 1.01 These Bylaws are subordinate to the provisions of the International Constitution of the International Union of Painters and Allied Trades (hereinafter called the “International Union”). In the case of conflict between these Bylaws and the provisions of the International Constitution, the latter shall govern.

Article II. NAME

Section 2.01 This organization, a subordinate body of the International Union, shall be known as Traveling Local Union 911.

Article III. JURISDICTION

Section 3.01 This Local Union serves as the exclusive bargaining representative for all its members.

Section 3.02 The territorial jurisdiction of this Local Union shall be Calcasieu Parish, Louisiana, as set forth in its Charter and as determined or limited by the General Executive Board from time to time under Sections 70 and 166 of the International Constitution.

Section 3.03 The work jurisdiction of this Local Union shall be all work set forth in Section 6 of the International Constitution and such other work as may be performed by those working under collective bargaining agreements negotiated by this Local Union.

Article IV. OBJECTS

Section 4.01 The objects of this Local Union shall be as set forth in the Preamble, and Sections 2 and ~~165~~ 164 of the International Constitution. More broadly the objects of this Local Union are to further the goals of the International Union, to organize the unorganized, to negotiate agreements for each craft represented by the Local, to see that the wages, hours, and other terms and conditions of employment established in those agreements are observed by members and by employers, and to create a marketplace in which an atmosphere of labor/management cooperation will enhance prosperity of signatory employers while insuring job security, safety, training and excellent wages and benefits for our members.

Further, this multi-trade Local Union shall offer its members the ability to travel freely and voluntarily to a directed location throughout the International Union's full United States jurisdiction to fulfill all requests for additional staffing on projects within the jurisdiction of any District Council. As a Local Union approved by the General Executive Board to remain unaffiliated with a District Council, this Local Union shall be bound to any and all lawful conditions for its operation as the General Executive Board may prescribe pursuant to Section 166(b) of the International Constitution.

Article V. ELIGIBILITY FOR MEMBERSHIP

Section 5.01 Eligibility for membership in this Local Union shall be as set forth in the International Constitution and in policies adopted by the General Executive Board.

Article VI. OFFICERS

Section 6.01 Eligibility to hold office shall be as set forth in Sections 92(b) and ~~210~~ 209 of the International Constitution.

Section 6.02 Officers of this Local Union shall be as set forth in Section ~~185~~ 184 of the International Constitution, and their duties shall be as set forth in the following sections of the International Constitution:

(a) President:

- (i) The duties of the President shall be as set forth in Sections ~~189-192~~ 188-191.
- (ii) The President shall have full charge of the business office of the Local Union, and he or she shall have the authority to employ, discharge, direct, and set the salaries and benefits of all non-elected employees of the Local Union, including but not limited to organizers, field representatives and office staff. The President shall be authorized to purchase such equipment and supplies as he or she deems necessary for the proper operation of such offices.
- (iii) The President shall be the spokesperson and Chair of, and shall appoint, the Local Union negotiating committee(s).
- (iv) The President shall have the power to direct and supervise Business Representatives in the performance of their duties and assign them to any territory or task irrespective of trade.
- (v) The President shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s) established under collective bargaining agreements, and he or she shall appoint all other delegates to the Joint Trade Boards.
- (vi) The President may retain professional advisers (such as attorneys and accountants) and other service providers; provided, however, that the President shall not enter into service contracts that extend beyond his current term of office unless such contracts are approved in advance by the General Executive Board.

- (vii) The President is authorized to make expenditures to carry out his or her responsibilities as set forth in this Section 6.02. The President also is authorized to make such expenditures as he or she deems appropriate to promote and protect the interests of the membership, provided that such expenditures are not prohibited by direction of the General Executive Board, and provided further that the President must present to the membership of the Local Union, for their approval, a copy of the check registry of all expenditures of all Local Union bank accounts since the last general membership meeting.
 - (viii) The President shall be held responsible for results in organizing the jurisdiction of the Local Union, for establishing working relations with employers, and for protecting the jurisdiction of the International Union of Painters and Allied Trades.
 - (ix) The President shall see that the Local Union complies with the requirement of Section 60(d) of the International Constitution that, absent an exemption from the General Executive Board, all affiliates participate in the group liability insurance program developed by the General Secretary-Treasurer.
- (b) Financial Secretary-Treasurer:
- (i) The duties of the Financial Secretary shall be as set forth in Sections ~~198-203~~ 197-201 and ~~211~~ 210(d).
 - (ii) The Financial Secretary-Treasurer shall have supervision of all funds and property of the Local Union.
 - (iii) The Financial Secretary-Treasurer shall meet with the Independent Certified or Chartered Public Accountant to review the audit as required by Section 147(b) of the International Constitution on no less than an annual basis. The Financial Secretary-Treasurer will subsequently render a report on the Audit to the membership, with a copy of the Audit and report being forwarded to the Office of the General Secretary-Treasurer. Further, the Financial Secretary-Treasurer shall be required to complete any and all forms and/or checklists issued by the General Secretary-Treasurer's office.
 - (iv) The Financial Secretary-Treasurer shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the Local Union's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by the Local Union are properly secured in an appropriate depository in the Local Union's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the Local Union except on an order or check signed in accordance with the International Constitution. They shall verify that expenditures have been made in strict compliance with the International Constitution and these Bylaws.

- (v) At the end of each fiscal quarter, the Financial Secretary-Treasurer shall fill out the quarterly checklist and forward a copy to the General Secretary-Treasurer and the President. They shall examine the membership records of the Local Union to ascertain the membership at the close of each month and they shall compare their findings with the reports the President has submitted to the General Secretary-Treasurer to verify that the Local Union is paying per capita tax on the proper number of members and that all suspensions, reinstatements, initiations, admissions of members, and other changes in membership of the Local Union have been properly reported.
- (vi) The Financial Secretary-Treasurer shall see that the President and other officers, representatives, and employees required to be bonded are bonded in the manner and in the amount required by law.
- (c) Recording Secretary: The duties of the Recording Secretary shall be as set forth in Section ~~195-197~~ 194-196.

Section 6.03 All elected positions of the Local Union shall be unpaid unless specific amendment is made to these Bylaws.

Article VII. MEETINGS

Section 7.01 Meetings of the Local Union shall be held in accordance with Section 172 and 173 ~~and 174~~. Regular meetings of the Local Union shall be held 6:00p.m. CST on the ~~first (1st) Monday~~ second (2nd) Thursday of every other month.

Section 7.02 Participation of officers and members by video conference shall be available for all meetings.

- (a) A member who participates via video conference shall be counted among those present at the meeting for all purposed recognized by the International Constitution and these Bylaws.
- (b) Participation by at least five (5) members, either by video conference or in-person appearance shall constitute a quorum.

Section 7.03 Special Meetings: Special meetings of this Local Union may be called by the President as he or she deems necessary or as otherwise called for by the International Constitution.

Section 7.04 Members' Rights: Members in attendance at meetings shall have the right to express their views, arguments or opinions upon any business properly presented before the meeting, subject to these Bylaws and the rules and regulations adopted by the Local Union pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his or her responsibility to the organization as an institution or engage in or advocate any conduct that would interfere in the Local Union's performance of its legal or contractual obligations, or conduct him or herself in an unruly, or boisterous manner.

Section 7.05 Recording Devices: No member shall be permitted to use recording devices during any portion of any meeting in the Local Union.

Article VIII. BONDS

Section 8.01 Officers of Local Unions shall be bonded in accordance with Sections 60(b) and (c) of the International Constitution and as required by law.

Article IX. ELECTIONS

Section 9.01 Elections shall be held under the procedures and provisions as set forth in Sections ~~209-212~~ 208-211 of the International Constitution, however, all voting shall take place by mail ballot under a procedure complying with the recommended safeguards of the Office of Labor-Management Standards, as approved by the General Executive Board.

Section 9.02 The election of Local Union Officers shall be held in June, following nominations held at the last meeting in May, as per Section ~~209(a)~~ 208(a) of the International Constitution.

Section 9.03 Local Union officers shall be elected to a three (3) year term.

Section 9.04 Delegates to the General Conventions of the International shall be elected as set forth in Section 29 of the International Constitution.

Article X. VACANCIES

Section 10.01 Vacancies occurring among the officers shall be filled by nomination at the next meeting an election at the succeeding meeting, under the procedures set forth in Sections ~~209-212~~ 214-215 of the International Constitution; except that if at the time the vacancy occurs the period remaining to the end of the unexpired term of the vacant office is 12 months or less the vacancy shall be filled by appointment by the General Executive Board.

Article XI. DUES, FEES, AND ASSESSMENTS

Section 11.01 Dues:

(a) Dues shall be as follows:

- (i) All Regular Members shall pay dues of \$ 35.00 per month. Dues shall be payable to the Local Union on a quarterly basis.
- (ii) Dues shall increase by the amount of any increase in the per capita and Death Benefit payment due to the International Union; and such amount shall be effective the date the increase in the payments due to the International Union becomes effective, provided that, the Executive Board may waive this automatic increase, in whole or part, in any year it determines the increase is not needed.
- (iii) Market Recovery: \$0.25 per hour is hereby added to the dues check-off called for in Section (c), above, for all members. This additional revenue shall be expended by the President, acting only with the approval of the Market Recovery Fund Committee, for the purpose of assisting in competitive bidding to increase market share of LU 911.

- (b) The dues payment required by sub-section (a) includes the Death Benefit payment called for by Sections 17(b) and 19 of the International Constitution and the Rules and Regulations of the International Union's Death Benefit Fund. Accordingly, members not covered by the Death Benefit Fund pursuant to the foregoing provisions (example: members who are 60 years of age or over when initiated; or Life Members working at the trade who elected non-participation) will be required to pay the dues specified in sub-section (a) less the current Death Benefit payment.
- (c) Quarterly working cards shall be obtained in accordance with Section ~~120~~ 119 of the International Constitution.
- (d) Administrative Processing Fees: There shall be no initiation fees for membership in this Local Union. New members/candidates and apprentices shall be charged an Administrative Processing Fee in accordance with the provisions set forth in Sections 93 and 94 of the International Constitution.
- (e) Life Membership fees shall be in accordance with Section 99 of the International Constitution.

Section 11.02 Clearance Cards: Clearance Card fees and rules shall not apply to members of this Traveling Local Union for working in other geographic territories of the International Union unless application is made for permanent placement within another District Council.

Section 11.03 Assessments: Assessments can only be levied in accordance with Section 93 of the International Constitution.

Section 11.04 Funds:

- (a) International Union Death Benefit Fund. The International Union's Death Benefit Fund is governed by Sections ~~283-285~~ 282-284 of the International Constitution, and the rules and regulations of the fund. Members should refer to the pamphlet "Rules and Regulations covering the Death Benefit Fund and the former Death and Disability Fund."
- (b) All monies due the International Union for per capita tax, Administrative Processing Fees or application fees, Death Benefit Fund payments, reinstatements, clearance card fees, life membership fees, and supplies shall be forwarded to the General Secretary-Treasurer immediately after the close of the month, along with required reports. Remittances must be made by express or post office money order, check or bank draft payable to the IUPAT.
- (c) Should the Financial Secretary-Treasurer doubt the accuracy of any bill from the General Secretary-Treasurer, the Local Union shall pay the same under protest, and such protest shall be the first business taken up by the General Executive Board at their next meeting.
- (d) Each month the Local Union shall hold in its treasury, as a standing appropriation to be forwarded to the General Secretary-Treasurer, a sum equivalent to its monthly per capita tax, Death Benefit Fund obligations, IUPAT Local Union and District Council Pension Fund payments and all other payments that must be made to the International Union as required by Section ~~177~~ 176 of the International Constitution. Such required payments shall be made prior to allowing other expenditures.

- (e) The funds and property of a Local Union may only be used for such purposes as are specified in the International Constitution, these Bylaws, and as approved by a majority of the Local Union members present at a meeting at which the question is presented. Recurring and fixed expenses may be authorized by a single vote of the membership. Local Union's shall not make any non-per capita tax expenditures in excess of \$5,000.00 without prior written approval of the President.
- (f) On no consideration shall money from the Local Union Treasury be loaned or donated to members (strike, lockout and regularly established sick benefits excepted), provided that the Local Union may levy an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of injuries or sickness incurred while working at the trade. Before any such assessment is levied:
 - (i) All members shall be notified by mail that the proposed assessment will be considered at the next meeting, and
 - (ii) The majority of members present and voting must approve the assessment in a secret mail ballot vote.

Article XII. COMMITTEES

Section 12.01 There shall be a standing Bylaws Committee whose duties and functions shall be as set forth in Section ~~169(b)~~ 168(b) of the International Constitution.

Section 12.02 There shall be a Market Recovery Fund Committee whose duties and functions shall be as set forth in model rules prescribed by the International Union.

Article XIII. CONTRACTORS

Section 13.01 An employer is one who, in relation to any corporation, company, partnership, firm or other business entity, is a substantial owner, partner, officer, director, incorporator, managerial employee, supervisor (as defined by the National Labor Relations Act) or in a permanent, policy-making position.

Section 13.02 Eligibility

- (a) Employers shall be eligible for membership, but they must comply with the trade rules and working conditions of the locality in which the work is performed, must, insofar as is consistent with applicable federal and state, provincial and/or territorial laws, hire only members of this International Union, and must pay themselves and all their employees the wages and benefits established by the applicable area collective bargaining agreement.
- (b) No employer shall be eligible or permitted to hold office, serve on an executive board, act as delegate, vote on any question pertaining to hours, wages, benefits or conditions of employment, vote at elections of officers, delegates, or attend meetings at which contract proposals are discussed or voted on or at which the nomination or election is held for any elected position.

Article XIV. MEMBERSHIP

Section 14.01 An applicant is considered a member when the applicant meets all the requirements as set forth in the International Constitution.

Section 14.02 A member may lose his or her good standing in the organization by suspension or expulsion or other disqualification for membership, after appropriate proceedings consistent with the provisions of the International Constitution, or by non-payment of dues as provided in Sections ~~117-118~~ 116-117 of the International Constitution.

Section 14.03 A member who loses his or her good standing status because of his or her failure to pay dues or other obligations as required by the International Constitution and these Bylaws, but who has not been expelled from membership, may reinstate his or her good standing for the purpose of attending Local Union meetings and voting at elections, by paying all delinquent dues and other financial obligations prior to such meeting and election as provided in Section ~~119~~ 118 of the International Constitution. Expelled members may be reinstated only in accordance with Section ~~272~~ 271 of the International Constitution.

Section 14.04 Resignation from membership is governed by Section ~~121~~ 120 of the International Constitution.

Section 14.05 Members' Responsibility:

- (a) Every member by virtue of membership in this Local Union is obligated to adhere to and follow the terms of these Bylaws, the District Council Bylaws and the International Constitution with respect to the members' rights, duties, 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 other members.
- (b) Every member authorizes the Local Union to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with his or her employer governing terms and conditions of employment and to act for the member and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of the member's employment with such employer in such manner as it deems within its discretion to be in the best interests of the Local Union. The Local Union and its officers, and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their sole discretion and judgment, such grievance, complaint or dispute lacks merit or that such action would not be in the best interests of the Local Union.

- (c) No member shall interfere with the elected officers or representatives of the International Union, a District Council or this Local Union in the performance of their duties. 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 their individual rights as members. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the International Union, a District Council or a Local Union's performance of its legal or contractual obligations.
- (d) Every member shall be required to assist the International Union, any District Council, and this Local Union, as well as their officers and representatives, by engaging in picketing, hand billing, salting and other organizing activities and attending education and training, as directed by the International Union, a District Council or a Local Union officers. No charges shall be filed or processed against any member for his or her decision to accept employment with an approved, targeted non-signatory employer for the purpose of organizing.

Article XV. GENERAL RULES

Section 15.01 As a Local Union approved by the General Executive Board to remain unaffiliated with a District Council, this Local Union shall be bound to any and all lawful conditions for its operation as the General Executive Board may prescribe pursuant to Section ~~166(b)~~ 165(b) of the International Constitution.

Article XVI. CHARGES AND TRIALS

Section 16.01 All charges preferred by members of this Local Union shall be referred to the Local Union Trial Board for disposition and shall be processed in accordance with the International Constitution.

Article XVII. EXHAUSTION OF REMEDIES

Section 17.01 No member or officer shall resort to any court or agency until all forms of relief and avenues of appeal, as provided by the International Constitution, have been exhausted, unless otherwise provided by statutory law.

Article XVIII. PROPERTY

Section 18.01 The funds and property of the Local Union shall be governed by Sections ~~179-181~~ 178-180 of the International Constitution.

Section 18.02 No property of the Local Union, and no property in the possession, custody or control of this Local Union or any of its officers or employees, and no property held in trust, express or implied, which was created or established by this Local Union and whose primary purpose is to provide benefit for the members of the Local Union or their beneficiaries, shall be given, contributed or donated, either directly or indirectly, to aid or assist, or be expended in behalf of, any seceding, dual or antagonistic labor organization, nor to any Local Union which is in violation of the International Constitution.

Article XIX. AGENCY

Section 19.01 Neither this Local Union, nor any of its officers or employees, has any power to make any representation, contract, or agreement, nor to incur any liability, which shall be binding upon the International Union without the written consent of the General President or his/her designee. Neither this Local Union, nor any of its officers or employees has been authorized or empowered to act as an agent of the International Union and shall not be deemed to be an agent of the International Union unless expressly authorized in writing by the General President or his/her designee to act in that capacity.

Article XX. AMENDMENTS

Section 20.01 Any amendment to these Bylaws shall be done in accordance with the procedure set forth in Section ~~169~~ 168 of the International Constitution.

Article XXI. STANDING RULES FOR UNION MEETINGS

Section 21.01 Rules for the conduct of Local Union meetings are contained in the “Order of Business for Local Unions” and in “Parliamentary Rules and Ritual” set forth in the International Constitution.

Article XXII. INTERNATIONAL UNION CONSTITUTION

Section 22.01 The Local Union acknowledges that the International Constitution supersedes any provisions of these Bylaws which are inconsistent with the Constitution. The Local Union further acknowledges that conditions imposed upon the operation of this unaffiliated Local Union by the General Executive Board pursuant to Articles ~~165-166~~ 164-165 of the International Constitution shall govern and supersede these Bylaws to the extent that any provisions set forth herein are inconsistent with such conditions.

Article XXIII. SAVINGS CLAUSE

Section 23.01 The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, 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 financial obligations imposed by or under the International Constitution and these Local Union Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed, and enforceable in a court of law.

Section 23.02 If any provision of these Bylaws shall be declared invalid or inoperative, by a competent authority of the executive, judicial or administrative branch of the federal or state government, the General Executive Board, subject to approval of the Local Union, shall have the authority to suspend the operation of such provisions 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 these Bylaws or the application of such article or section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.