



Amalgamated Transit Union

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Office of the International Executive Vice President

May 4, 2010

Patrick J. McMahon
President/Business Agent
ATU Local 85
1613 Penn Avenue
Pittsburgh, PA 15222-4322

RE: Bylaw Amendments

Dear Brother McMahon:

This will acknowledge your letter received in this office on April 26, 2010, in which you submit amendments to Article III-Duties of Officers, Sections 1, 2, 3, 4, 8, & 10; Article IV-Duties of Members, Section 2 (b); Article V-Qualification for Office, Sections 1 & 2 (a); Article VI-Vacancies in Office, Sections 1, 2, & 3; Article VII-Initiation Fees, Dues and Assessments, Sections 1, 3, 4, 5, 6 & 7; Article VIII-Salaries of Officers and Committees, Sections 5, 6 (a), 6 (b), 6 (c) & 8; Article X-Nominations, Elections and Installations, Sections 1 (e), 4 & 5; Article XIII-Death and Disability Benefits, Section 2; Article XIV-Funds, Section 1; Article XV-Donations and Collections, Sections 1 & 2; Article XVIII-Grievances, Section 1; Article XIX-Arrearages, Section 1; Article XXI-Resignations; Article XXII-Admission of Members; XXIII-Priority of Members; Article XXIV-Rules of Order; and Article XXV-Amendments and Modifications, Sections 2, 2, 4, 5 & 6 of the Local 85 bylaws, and request approval of the same.

In reviewing the amendments, we find the changes appear to be compatible with the International Constitution and General Laws, and if enacted in accordance with Section 13.2 of the same, are hereby approved.

Brother McMahon, once your bylaws have been reprinted to include these amendments, please furnish this office with a copy for our records, preferably as a Microsoft Word document via email to my assistant Missy Goode at mgoode@atu.org.

With every best wish for success, I am

In solidarity,

Ronald J. Heintzman
International Executive Vice President

fsg

c: Bob Baker, International Vice President



ARTICLE I

Meetings

Section 1. The Regular meeting of the Local will be held on the 2nd Friday evening of each month. The evening meeting will convene at 8:00 p.m. and adjourn at 10:30 p.m. the same evening. The meeting may be extended by a vote of the membership present from 10:30 p.m. to 10:45 p.m., whenever there is to be a vote on either a change of a By-Law or arbitration request.

Section 2. A double or a special meeting will be held at the call of the President Business Agent, Financial Secretary-Treasurer or a majority of the members of the Executive Board, and in case of a double meeting being held, the 1st meeting will convene at 10:30 a.m. and the 2nd will convene at 8:00 p.m. the same day. Notice of said meetings to be posted at each station or department.

Section 3. A regular Executive Board meeting shall be held once a month. The Executive Board shall appoint the time for the meeting. Additional special Executive Board meetings may be called by the President Business Agent, the Financial Secretary, or two-thirds of the Executive Board. Any request by two-thirds of the Executive Board for a Special Executive Board meeting must be made in writing to the President Business Agent. With regard to special meetings, the President Business Agent shall set a time and a place immediately for such a meeting. A majority of the Executive Board shall constitute a quorum to do business. At all Executive Board meetings, the President Business Agent, Financial Secretary-Treasurer, Assistant Business Agent for Operators, Assistant Business Agent for Non-Operations and Recording Secretary shall be in attendance, unless otherwise excused by the President Business Agent.

Section 4. Change of time and place of any of the regular meetings of this Local can be made only by a majority vote of the members voting at the meeting preceding the change.

Section 5. Fifteen (15) members in good standing (including elected officers) shall constitute a quorum to transact business at any regular meeting of this Local.

Section 6. A majority of the members of the Executive Board shall constitute a quorum to transact business at an Executive Board meeting.

ARTICLE II

Officers

Section 1. The officers of this Local shall consist of a President Business Agent, two (2) Assistant Business Agents, one (1) to be elected by and from operating members, one (1) to be elected by and from non-operating members, Vice President, Financial Secretary-Treasurer, Recording Secretary, and members of the Executive Board, one (1) Executive Board member to be elected from each traction station, garage and department by the members working out of that particular station or department, with the exception of Heinz Administration Building which shall have the departments, Claim's Schedules and Secretaries combined and shall be represented by one (1) Executive Board member.

Section 2. Each Executive Boardperson with 100 or more members at their location shall recommend one (1) person to assist them, subject to approval of the membership with the exception of Bus Maintenance which shall have one (1) at each Bus Garage location.

ARTICLE III Duties of Officers

Section 1. The President Business Agent's Duties. It shall be the duties of the President Business Agent to preside at all meetings of this Local, to preserve order and enforce the Constitutions and By-Laws; to see that all officers perform their respective duties and appoint all committees not otherwise provided for. He/she shall decide all questions of order subject to an appeal to the Local. He/she shall be the chief executive officer of the Local and shall have general supervision over all its affairs between the executive board and membership meetings. He/she shall have the right to vote only in the case of a tie, where they shall give the deciding vote. He/she shall announce the results of all votes and enforce all fines and penalties. He/she shall have the power and authority to call special meeting when requested by one-third (1/3) or more of the members of the Local in writing. His/hers duties will be supervisory and shall look after the general interest and affairs of the Local, visit each location (whenever it is deemed advisable), advise and admonish members to live up to and comply with the order and rules of the employing company providing that such orders and rules do not conflict with the policies of the Local. Shall assist the Assistant Business Agents or the Executive Board members (whenever requested) in settling grievances, perform such other duties as the Constitution and Local By-Laws prescribe and shall sign the minutes of regular and special meetings. He/she shall sign all orders on the treasury for such money as shall the I.U. Constitution and Local By-Laws or by vote of the Local be ordered paid.

Section 2. Vice-President Duties. It shall be the duty of the Vice-President in the absence of the President Business Agent to preside and perform all duties pertaining to the office of the President Business Agent and to render such assistance as may be required. In case of a vacancy in the President Business Agent's office, he/she shall preside until the Local union elects a President Business Agent to fill the vacancy. He/She shall serve as one of the signers of all drafts in the absence of either the Financial Secretary or President/Business Agent.

Section 3. Financial Secretary-Treasurer's Duties. The duties of the Financial Secretary-Treasurer shall be to keep a true and accurate account between the Local and its members and committees, to keep the books of the Local Union, to enroll all members, and perform such other duties as the A.T.U. Constitution and Local By-Laws prescribe and shall sign the minutes of regular and special meetings, and shall along with the President/Business Agent, sign all drafts of the Local Union.

The Financial Secretary will ensure that each location is notified by letter sixty (60) days prior to the deadline for submission of resolutions for either of the State National AFL-CIO or the ATU International Association. The letter will inform the members of this Local who wish to submit a resolution to either convention. The resolution will be put on the floor for a vote at a regular meeting of this Local.

Section 4. Recording Secretary Duties. The duties of the Recording Secretary shall be to keep a true and accurate account of all business transacted at the regular and special meeting of the Local, attend all Executive Board meetings, to call the roll of officers, read the semi-annual auditors report, and perform such other duties pertaining to the office, and at the expiration of their term in office shall deliver to their successor all papers and property belonging to the Local and entrusted to their care, and also shall act as Correspondent to the International Paper, IN TRANSIT.

Section 5. Assistant Business Agent's Duties. The Assistant Business Agents shall assist the President Business Agent. They shall be assigned to various Divisions and work locations by the President Business Agent to assist in the processing and resolving of grievances and making sure the provisions of the Labor Agreements are being adhered to. They shall be concerned for safety and working conditions of these locations, they shall confer with and assist the Union Representatives at the operating Divisions or working locations.

They shall submit a written report to the President Business Agent of work assignments undertaken upon request by the President Business Agent.

They shall attend all regular and special Executive Board meetings and all regular and special membership meetings.

Section 6. Warden Duties. The duty of the Warden is to take charge of the entrance to all regular and special meetings of this Local, to see that no one enters a meeting but members in good standing unless permitted by the Chairman, shall keep order in the meetings and carry out instructions of the Chairman and should he/she need assistance. The Chair will appoint such members as is necessary to aid in preserving order and carrying out the rules of this Local.

Any member who fails to comply with this order will be subject to expulsion from the meeting or fine or both at the discretion of the Chairman.

Section 7. Sergeant-at-Arms Duties. The duties of the Sergeant-at-Arms shall be in conformity with the ritual.

Section 8. Executive Board Member Duties. It shall be the duty of the executive board to supervise and direct the management of the L.U. The executive board shall be empowered to call special meetings of the L.U. to consider any matter or matters which, in the judgment of the board, warrant the calling of a special meeting. They shall have the authority to submit the results of negotiations on agreements or other matters of importance to the entire membership for a referendum vote of the members to be conducted under conditions and at times and places determined by the executive board. They shall appoint their own time for meetings of the board which shall be at least once a month. The majority of the board shall constitute a quorum to do business. The duties of the Executive Board members will be to accept and adjust, if possible, any and all grievances that may arise at their particular Division or work location, and if successful in adjusting them, they shall report to the office. They shall also keep on hand a supply of applications and grievance blanks for the use by members at their Division or work locations. They shall attend all Executive Board, regular membership, and special meetings.

Each Executive Board member shall give a reasonable excuse for not attending the regular or special meeting. In the event that any Executive Board member fails to attend one regular membership, special or executive board meeting in any month, he/she will be reported to the Local and they in turn will take such action as is deemed advisable. The Executive Board, when in session, will be required to pass upon all cases reported to them and make recommendation to the Local as to the merits or demerits of the cases.

Section 9. Each Executive Board member shall be required to turn in to the Financial Secretary-Treasurer all money collected by him and belonging to this Local or stand the full responsibility for any loss of money owed this Local. The Financial Secretary shall give each Executive Board person an official report for each collection turned in.

Section 10. Other Duties and Restrictions. The officers and executive board of the L.U. shall direct and handle the affairs of the L.U. subject to the laws and rules of this Union and in conformity with the instructions of the L.U. It shall be the duty of the officers and executive board of the L.U. to insure that the funds and property of the L.U. are preserved, managed, invested and expended in accordance with the Constitution and policies and the by-laws of the L.U. Where agreements with the employing company provide for arbitration, they shall conduct the arbitration in accordance with the laws of the I.U. and the instructions of the L.U. It shall be their duty at all times to report all of their acts and doings to the meetings of the L.U. and be subject to and carry out all of the instructions of the L.U. The officers and executive board members requesting an International officer upon local disputes between members, or on questions and grievances arising under agreements with the company, shall write or wire full particulars of the case to the I.P. If it is the advice of the I.P. that the local officers should proceed and attempt to adjust the case before an International officer is sent, they shall carry out the I.P.'s instructions in regard to the same, keeping him or her fully informed of the situation.

Any officer of the L.U. who is, or who becomes aware that another member or officer, has been subpoenaed by any government or law enforcement agency in connection with any investigation or proceeding concerning union financial practices, mishandling of union funds, corruption or racketeering involving the union or the individual's status with the union, shall immediately so notify the I.P.

ARTICLE IV Duties of Members

Section 1. Each member will be entitled to all benefits, rights and privileges of this Association by strictly adhering to their obligation and by them and the Local obeying the Constitution and Laws. They must have been obligated into membership, properly enrolled in the General Office and be in possession of a certificate of membership.

Section 2. No member shall be allowed to injure the interests of a fellow member by undermining them in place, wages or in any other willful act by which the reputation or employment of any member may be injured.

Section 3. (a) The grievances and complaints of members shall be taken up by and through the Local of which they are members for adjustment in all cases of grievances with the respective companies and can be taken up by the International Association as a grievance only upon the request of the Local as specified in these laws.

(b) Whenever it is necessary for President Business Agent to meet with the Company on a discharge case or a suspension of a member of Local 85, said member may demand and have his own Boardperson along with the President Business Agent to represent him against the employer.

Section 4. All business of this Local must be strictly private from persons outside of the association unless publication is authorized by the Local. Any person giving out any information contrary to the Local shall be fined, suspended or expelled.

Section 5. Members are required to keep their Financial Secretary notified of their correct address under penalty of a One (\$1.00) Dollar fine. The Financial Secretary shall inform the General Office.

Section 6. After each regular Convention of this Association, the Local shall secure from the International Office a sufficient number of the revised Constitutions and a copy placed in each member's hands, in good standing. As soon as a new member has been obligated into membership in the Local, the President Business Agent or officer so obligating him/her shall present them with a copy of the General Constitution and the Local By-Laws to familiarize themselves with the laws of the International ATU and the Local.

ARTICLE V

Qualification for Office

Section 1. No member shall be eligible to any elective or appointed office or as a State AFL-CIO delegate of this Local, unless he/she has been a member of this Local for a period of not less than two (2) years, and must have been in continuous good standing for a full period of two (2) years at the time of his/her nomination and must have attended at least six (6) regular meetings of this Local each year during the twenty-four (24) months prior to and including the nomination meeting exclusive of Special meetings in each of the two (2) years prior to the election. (NO MEETING REQUIRMENTS NEEDED FOR DELEGATES TO A.T.U. INTERNATIONAL CONVENTION.) Eligibility for office shall be determined by the record kept by the Recording Secretary and the Financial Secretary, and after any nominations, the President Business Agent shall meet with these officers to examine the records of all nominees.

Any meeting attendance requirement applied pursuant to this section shall not operate to render a member ineligible due to a confinement on account of sickness or injury or due to service in the uniformed military services of the United States or Canada, the duration of which would have prevented him or her from attending the required number of meetings, and/or where the member's attendance was prevented by absence because such member's regular work schedule prevents attendance on the required amount of meeting days. Documentation supporting any such request(s) for credit for a missed meeting must be provided by the member to the local

union not more than ten (10) days following the meeting for which he or she seeks an attendance credit or, in the case of one or more absence(s) resulting from the member's service in the uniformed military services, not more than ten (10) days after the member returns to work. It is the intent of the foregoing language that where a meeting attendance requirement is applied pursuant to this section, a member who has attended only five (5) or fewer regular meetings in a given year shall thereby not be eligible to run for office unless, pursuant to the foregoing language and/or Section 13.3 of the I.U. Constitution, or under the by-laws of the L.U. he or she has been excused from, or granted credit for, attendance at each and all of the remaining regular meetings in that year.

Section 2. (a) Any member elected or appointed to any office in this Local or as a delegate must be working at or for an employer covered by a collective bargaining agreement with this Local during the life of their term in office, and should any elected or appointed office or delegate neglect or refuse to tender their resignation to the Local upon the termination of their service with the employing company, or accept an official position with the employing company, it shall be the duty of the President Business Agent or the Local to declare their office vacant and proceed to fill said vacancy as prescribed in Article VI of these By-Laws.

(b) Retirement allows members to fulfill term.

Section 3. When two or more locations are merged into a new location there shall be an election for Executive Boardperson for the new location within 30 days of the opening of the new location. In the interim, the President Business Agent shall appoint a temporary Boardperson to serve prior to the election results, eligibility to be determined by Article V, Section 1.

ARTICLE VI Vacancies in Office

Section 1. When an Executive Board office becomes vacant for any reason, the President/Business Agent shall appoint a replacement. If the Executive Board decides to have an election, that election shall occur upon their order and shall be for the unexpired term at the Division or work location concerned.

Section 2. Should a vacancy occur in the office of President Business Agent the Vice-President shall perform the duties pertaining to the office until such time as the Executive Board deems it advisable to elect a President Business Agent.

Section 3. Should a vacancy occur in the office of Financial Secretary-Treasurer, the President Business Agent shall perform the duties pertaining to the office until such time that the Executive Board deems it advisable to elect a Financial Secretary-Treasurer, and in the event he needs assistance, he shall have the authority to call in the Recording Secretary.

ARTICLE VII
Initiation Fees, Dues and Assessments

Section 1. The initiation fee of this Local shall be One Hundred Fifty (\$150.00) Dollars for all applicants effective May 1, 1987, with the exception of students in training, providing that the applicant submits their application within ninety (90) days after they are employed by the employer. In the event that any applicant does not submit their application within ninety (90) days, the initial fee shall be One Hundred Seventy-Five (\$175.00) Dollars for all applicants. Suspended members who cannot be reinstated will be required to pay a fee of Two Hundred (\$200.00) Dollars, together with all fines and assessments owed this Local.

Section 2. The monthly dues for this Local for active members will be Three (\$3.00) Dollars above the minimum dues established by the Constitution and General Laws of the A.T.U. International Union, Section 18.2. The monthly dues of pensioned members shall be Six (\$6.00) Dollars per month.

Section 2a. One (\$1.00) Dollar of active member's monthly dues shall be deposited into the Local's Arbitration Fund.

Section 2b. One (\$1.00) Dollar of the active member's monthly dues shall be deposited into the Local Union Activities Fund Account.

Section 3. Membership Dues, Fines and Assessments. All dues, fines and assessments of the members of the I.U. are due and payable on the first (1st) day of each month for that month, and all monies owed the Union by a member shall be considered as dues and come under the same terms for collection of dues, unless other arrangements are made. They must be paid by the fifteenth (15th) of the month in order to continue the member in good standing.

Members in arrears for dues, fines and assessments after the fifteenth (15th) day of the month are not in good standing and not entitled to sick, dismemberment or funeral benefits, and where members allow arrearage in dues, fines and assessments to run into the second (2nd) month before paying the same, they shall be debarred from benefits for one (1) month after payment. Where members allow arrearage for dues, fines and assessments to run over the last day of the second (2nd) month without payment, they thereby suspend themselves from membership in this Union and such individuals shall, in compliance with the terms of applicable agreements with their employer and any applicable law, be discharged from employment.

It is the duty of each member to see that his or her dues, fines, assessments and other money owed this Union are promptly paid, as the law specifies, and that the member be in possession of a paid-up working card by the fifteenth (15th) of each month, and it is especially the member's own duty to look after and pay the same.

Section 4. Suspension for Non-Payment of Dues. Where any member is in arrears for dues, fines and assessments, and such arrearage has reached the last day of the second (2nd) month, the member shall be reported to the L.U. as having suspended him or herself from membership by the non-payment of dues, fines and assessments. The F.S. shall then report this member to the

International office for suspension, and the International office shall record the member as having suspended him or herself from membership in the Union by non-payment of dues and drop the member's name from the rolls. When members have been discharged or are off because of sickness or injury in accordance with the terms of any collective bargaining agreement, they shall be reported as delinquent to the International Union when and if their discharge is sustained or their employment is terminated as a result of such illness or injury.

Where a member disappears and his or her whereabouts are unknown, no dues shall be accepted for such person from any source, and such person shall be reported and suspended as the laws provide for delinquent members.

Section 5. Reinstatement after suspension shall be in accordance with the A.T.U. Constitution and General Laws.

Section 6. Special assessments can only be levied by a majority vote of the members voting at any regular or special meeting. Notice of such meeting to be posted at each Location and Department five (5) days preceding the meeting, and in the event that an assessment is levied, a notice will be posted at each Location and Department no later than the 1st day of the month that the assessment is to be levied.

Be it understood that when the membership votes to contract a debt, said debt shall be paid by all working members on an equal basis, said basis to be set by the Executive Board after all bills are received.

Section 7. In case of a member being unable to work through sickness, this Local will keep said member in good standing for a period of one (1) month. Should said member recover and return to work, they will be required to pay back all dues and assessments advanced by the Local, but it is distinctly understood that it will be the duty of the member or Executive Board member to notify the Financial Secretary-Treasurer of this Local that any such members is unable to pay their dues.

ARTICLE VIII

Salaries of Officers and Committees

Section 1. The Vice-President shall receive ten (10) hours of pay at the top operator's rate per month expenses.

Section 2. The Warden shall receive two and one-half (2-1/2) hours of pay at top operator's rate per month expenses.

Section 2a. The Sergeant-at-Arms shall receive a monthly stipend of two (2) hours of pay at top operator's rate per month to assist the Warden at the regular membership meetings as needed.

Section 3. The Recording Secretary shall receive ten (10) hours of pay at top operator's rate per month expenses.

Section 4. Any member who performs a day's work for the Local shall receive compensation for ten (10) hours at the top operator's pay rate. Any part of a day's work shall be paid on a pro-rated basis.

Section 5. As of January 2010, President Business Agent, the Assistant Business Agents, Operations and Non-Operations, and the Financial Secretary-Treasurer. The President Business Agent and Financial Secretary-Treasurer shall receive the sum of \$1,435.14 to be a gross amount per wages per week. The Assistant Business Agents shall receive the sum of \$1,376.02 to be a gross amount per wages per week. Expenses per week for above-named officers shall be \$85.00. Be it understood that in the future these officers shall receive the same proportionate percentage increases in their wages that the members receive who are covered under the Port Authority contract. In the event any elected officer works on a legal holiday, on their pass day on union business, they shall be compensated for at their regular daily rate of pay.

Section 6. Each Executive Board member shall receive expenses based on the number of persons they represent as follows: A maximum of twelve (12) hours of pay at top operator's rate per month for performing their duties if they have more than one hundred twenty-five (125) members. Ten (10) hours of pay at top operator's rate if they have less than one hundred twenty-five (125) members but more than fifty (50) members. Seven (7) hours of top operators pay if they have less than fifty (50) members but more than twenty (20) members. Four (4) hours of top operators pay rate if they have less than twenty (20) members.

Section 6a. The Executive Board Person from each Division or Department shall receive one (1) day per month to conduct the business of this Local at their division and shall be compensated for at the same rate of any other union business day.

Section 6b. Expenses of an Assistant Board Person shall be four and one-half (4-1/2) hours per month at the top operator's rate for expenses.

Section 7. Each member serving on the Election Committee shall receive ten (10) hours of pay at the top operator's rate of pay.

Section 8. The President Business Agent, the Assistant Business Agents and the Financial Secretary-Treasurer shall be given the same vacation period received by the members of Local 85 under the Port Authority contract for years of service, said officers to arrange between themselves the time of said vacations with the understanding that at no time will there be two (2) officers absent from the office on vacation at the same time. Be it understood if the officers above are unable to take their vacation, due to pressing union business, they shall be compensated for any unused portion of their vacation time. Vacations shall not be cumulative from year to year and must be taken each year.

ARTICLE IX

Delegates

Section 1. The representation of this Local to the Allegheny County Labor Council AFL-CIO shall be the President Business Agent, Vice President, Financial Secretary-Treasurer, Assistant

Business Agents and Recording Secretary by virtue of office. If there are any additional delegates, same will be appointed by the President Business Agent. The Local shall pay the initiation fee and dues to said Council and in addition all delegates with the exception of the President Business Agent and the Financial Secretary-Treasurer shall receive the sum of Twenty (\$20.00) Dollars per year for the faithful attendance of these meetings. Any delegate missing three (3) consecutive meeting without a sufficient reason, the President Business Agent is empowered to declare that office vacant and appoint a delegate to replace them.

Section 2. The representation of this Local to the State AFL-CIO Convention shall be in conformity with the State Federation of Labor By-Laws. The President Business Agent, Financial Secretary-Treasurer and both Assistant Business Agents shall attend said Convention by virtue of office. Each delegate to receive Seventy-Five (\$75.00) Dollars expenses per day and the cost of round trip coach plane fare and the cost of the stay at the hotel room for the convention will be paid for by Local 85. The four (4) officers named in this section shall be considered and counted as duly elected delegates of this Local.

Section 3. The basis of representation to the International Convention of this Association shall be in conformity with the International Laws. The elected delegates to the International Convention shall receive an allowance of Seventy-Five (\$75.00) Dollars per day expense and the cost of round trip coach fare and the cost of the hotel room for the convention will be paid for by the Local Union.

ARTICLE X

Nominations, Elections and Installations

Section 1a. The nomination of all officers and delegates of this Local will be held on the 1st regular meeting in May. Primary election to be held the 2nd Friday in June. The general election, if necessary, to be held on the 3rd Friday in June. Nominations are to close on the night of nominations. Any member wishing to decline nomination will do so by notifying the Financial Secretary-Treasurer by mail no later than five (5) days after nominations, or their name will appear on the voting machines. Voting machines will be used in the primary and general election.

b. Voting Locations. Balloting will take place at or near the following locations: Collier Garage, East Liberty Garage, Harmarville Garage, Ross Garage, South Hills Village, South Hills Junction, West Mifflin Garage, Manchester Shop and the Heinz Building.

c. Where Members Will Vote. Active members will vote at the closest voting place of their permanent assignment. Members on temporary assignment will vote where their permanent job assignment is voting (re: Route Foreman, Dispatchers and Instructors). Retirees will vote at any location listed in paragraph b of this section.

d. Counting the Vote. The vote will be tabulated at each voting location by members of the election board immediately after the polls are closed. Candidates and/or their monitors may be present. After the vote is counted on the polling places, they will be taken immediately to a central counting facility where totals of all polling places will be tabulated. Central Counting

Facility will be large enough to house all candidates. If present after the vote is counted at the voting place, each candidate or their monitor has the option of marking the ballot or tally sheet so it can be identified as a ballot or tally sheet that has been used in the election. If at any time paper ballots are used, they shall be numbered and the numbers assigned to each voting place will be made available to the election board and all candidates by request.

e. For purposes of this paragraph and section, all members, who under their applicable collective bargaining agreement have a permanent job title of operators, schedule writers, fare collectors or supervises any of the above, shall be considered "operating members". All others shall be considered "non-operating members".

e-1. Incumbent Assistant Business Agents shall be permitted to cast a vote for the Assistant Business Agent office they hold.

Section 2. Voting hours will be from 7:30 a.m. to 6:00 p.m.

Section 3. All elections of this Local will be held by the Primary System.

Section 4. Retiring officers shall see that all officers elected are duly installed and placed in charge of the office before surrendering or turning over the office. When an elected officer fails to attend the meeting to be obligated or fails to properly qualify within three (3) succeeding meetings, except in case of sickness or delay over which the elected officer has no control, the office to which he or she was elected shall be declared vacant and a new election held to fill the vacancy in accordance with the by-laws of the L.U. and the provisions of the Constitution.

Section 5. All officers and delegates of this Local shall be elected for a term of three (3) years and shall assume their duties on the first (1st) of July following their election irrespective of their installation date. Installation of officers shall take place at the first (1st) meeting following announcement of the election results.

Section 6. Members of the Election Board will be given lists bearing the names of all members entitled to vote and a member in arrears or not in good standing will be so marked on said lists.

Section 7. Any candidate for any office within this Local who shall offer to pay any sum of money or give any gratuity for the purpose of securing votes shall be deemed guilty of bribery and shall be declared ineligible for any office for not less than two (2) years. The vote shall be declared illegal and the briber and the bribe-taker shall be subject to expulsion or suspension. This also applies to any member circulating false or slanderous literature or spreading false or slanderous stories about any officer or member of this Association, and upon information being received that any member is guilty of any of the aforesaid offenses, said members will immediately be brought to trial and if found guilty said member or members will be suspended, fined or expelled.

ARTICLE XI
Eligibility of Member to Voice or Vote

Section 1. Only members in good standing will be eligible to a voice or vote in affairs of this organization.

Section 2. When voting on a negotiated wage contract a Special Meeting will be called by the President Business Agent to hear the report of the officers and Negotiating Committee. A majority vote of those present will constitute acceptance or rejection of the negotiated offer.

Section 3. When voting for all arbitrations at a regular meeting, it will be accomplished by a secret ballot.

ARTICLE XII
Bonds

Section 1. The President Business Agent, Assistant Business Agents, Financial Secretary-Treasurer and Recording Secretary shall be covered by the continuous bond held by our International Union.

Section 2. The premiums on all the above bonds to be paid for out of the treasury of the Local, providing that same are approved.

ARTICLE XIII
Death and Disability Benefits

Section 1. Upon the death of an inactive member or active member in good standing, the Executive Board member at the location will notify the Financial Secretary-Treasurer of this Local of the death of said member and give the name and address of the member. The Union in turn will deliver or send a Bible from the Local to address given.

ARTICLE XIV
Funds

Section 1. All finances belonging to this Local and in the hands of the Financial Secretary-Treasurer, when kept in a bank account, shall be deposited in federally insured banks and/or Credit Unions. Said accounts shall be balanced by the banks or Credit Union, all banks and Federal Credit Union books, papers, etc., to be turned over to the auditors on demand.

Section 2. All financial accounts shall be audited by an expert accountant in January and July of each year and a report of said audit shall be read at the regular meeting following the completion of said audit. Such audit reports, complete and unabridged, shall be posted in each location, seven (7) days prior to the regular meeting at which said audit is read.

ARTICLE XV
Donation and Collections

Section 1. All loans, investments or donations shall be in conformity with the International laws.

Section 2. The maximum donation to any one Organization for Local 85, A.T.U., shall not exceed Five Hundred (\$500.00) Dollars in a twelve (12) month period. Any request in the amount more than Five Hundred (\$500.00) Dollars shall first be presented to the Executive Board for a recommendation. When the Executive Board recommends a donation greater than Five Hundred (\$500.00) Dollars to any organization, an explanation shall be placed in the official minutes of the meeting and must be approved by a majority vote of the membership present at the next regular monthly membership meeting. The annual Christmas donation is excluded. The maximum donation to any A.T.U. Local Union on a sanctioned strike shall not exceed One Thousand (\$1,000.00) Dollars in a twelve (12) month period. Any request for donations shall first be presented to the Executive Board for a recommendation.

ARTICLE XVI
Politics

Section 1. The discussion of partisan politics shall be permitted at the meetings of this Local as laid down by the AFL-CIO or the State AFL-CIO.

ARTICLE XVII
Committees

Section 1. The President Business Agent shall appoint all Committees, said Committees to make their reports in writing and submit same to the President Business Agent. After said report has been acted upon and disposed of by the Local, the President Business Agent shall place same on file in the Headquarters of the Local for future references.

Section 2. No member or members of this Local will be allowed to constitute themselves as a committee unless they have been duly appointed by the President Business Agent or Financial Secretary-Treasurer of this Local, and under no circumstances will any member or members be entitled to any compensation from this Local for work performed, unless they have been duly authorized by one of the officers named in this section to perform such work.

Section 3. The President Business Agent will appoint a committee of three (3) members to scrutinize all bills presented at the meetings.

ARTICLE XVIII
Grievances

Section 1. A member desiring to lay a grievance before the Local shall do so in writing. Members of the Executive Board shall be supplied with grievance forms, which they furnish to the member upon request. The member shall fill out this form, giving a full and correct detailed account of their grievance, either through the Executive board member at the location or by

going to the Headquarters of the Local and present it to the President Business Agent, Assistant Business Agent or Financial Secretary of this Local. It is the duty of the officer looking after the grievance to investigate and report same. No member can claim the right to present grievances in any other manner. All grievances must be filed within twenty-five (25) days from the refusal of management to handle the matter at the Local level.

Section 2. "Grievance Arbitration Procedure". The President Business Agent shall appoint a Grievance Arbitration Committee to act upon all requests for arbitration, with exceptions of discharges. This Committee is to come from the Executive Board and shall consist of the following: Co-Chair Assistant Business Agent from Operations, Co-Chair Assistant Business Agent Non-Operations, one (1) member from Operations, one (1) member from Non-Operations, and one (1) member from salaried. The three (3) appointed Executive Board members on the Committee shall rotate every meeting. Whenever a member is unable to appear before the Committee because they are on a scheduled work assignment, the appropriate Assistant Business Agent may present their case before the Committee.

The Grievance Arbitration Committee shall meet on the last Wednesday of every other month beginning with January, with the exception of the month of November which will be held on the last Tuesday of November due to the holiday, and hear all requests for arbitration, except discharges. In the event there is a need to cancel a meeting, the President Business Agent shall have the right to do so. A member requesting arbitration shall appear before the Committee at its next regularly scheduled meeting, following receipt of second (2nd) step denial. The Grievance Arbitration Committee shall submit to the Executive Board a written report of the cases heard and the decision rendered. In the event a member requesting arbitration does not appear before the Grievance Arbitration Committee's next regularly scheduled meeting following denial, the member shall be deemed to have voluntarily withdrawn their grievance. The member requesting arbitration and or the appropriate Assistant Business Agent shall produce such records and documents necessary to properly present their case before the Committee. In the event the Grievance Arbitration Committee refuses to recommend a case for arbitration, the member shall have the right to appeal the decision of the Committee at one of the next two (2) regularly scheduled membership meetings.

Section 3. A member requesting arbitration because of discharge shall appear before the next scheduled meeting of the Executive Board following receipt of second step denial. In the event a member requesting arbitration does not appear at the first Executive Board meeting following receipt of second step denial, a member shall be deemed to have voluntarily withdrawn their grievance.

In the event the Executive Board refused to recommend a case for arbitration, the member shall have the right to appeal the decision of the Executive Board at one of the next two (2) regularly scheduled membership meetings.

The discharged member who is asking for arbitration should have a special order of business at the Union meeting that night to start at 9:00 p.m. or earlier.

ARTICLE XIX
Arrearages

Section 1. In case a member allows themselves to become suspended from all rights and privileges of this Association they shall not be permitted entrance to any of the meetings of this Local until formally reinstated.

Section 2. No withdrawal card shall be issued to a delinquent member, neither shall a withdrawal card be issued to any member continuing in the service of the Company unless in case of promotion.

Section 3. A member to be in good standing is required to have a paid up working card, which shall be good only to and including the fifteenth (15th) day of the month following the month for which said card was issued.

Section 4. Any member to avail themselves of the benefits and protection of this Local must have all dues, fines and assessments which they may owe the Local paid up to and including the month in which such benefits or protection is sought.

ARTICLE XX
General Laws

Section 1. All business of whatsoever kind not pertaining to this Local shall be strictly prohibited in the office of this Local, and any officer or member who shall engage in or encourage any business in the office of this Local not authorized by the Executive Board or meetings of this Local and upon proof of such offense, shall be dealt within such manner as the Local may deem fit.

Section 2. No person or persons shall solicit or ask for assistance of any kind in the name of the Association or shall hold balls, picnics or amusement ventures of any kind without consent of the Executive Board of this Association, nor shall they represent Local 85 in fact or word.

Section 3. All trials, appeals and grievances shall be conducted in accordance with the International Laws under captions of Trials, Appeals and Grievances.

ARTICLE XXI
Admission of Members

Section 1. Any person desiring to become a member of this Local must obtain from the Executive Board member at the location that said employee works out of, an official application blank, fill out same, giving full name, address and age and return to the Executive Board member with full initiation fee. The Executive Board member in turn will sign same and present same to the Financial Secretary-Treasurer who will submit same to the next regular meeting of the Local for its approval or disapproval.

Section 2. All applications for membership must be in conformity with the International Laws governing the Admission of Members and which is outlined under the caption "Admission of Members".

ARTICLE XXII
Priority of Members

Section 1. The priority of members of this Local shall be in conformity with the International laws as outlined under the caption of "Priority of Members and Qualification of Members".

Section 2. When a member of this Local takes employment other than with the employing Amalgamated Transit Union, they forfeit all seniority rights under the existing agreement between this Local and the employment companies.

ARTICLE XXIII
Rules of Order

Rule 1. On motion, the regular order of business may be suspended by a two-third (2/3) vote of the meeting at any time to dispose of anything urgent.

Rule 2. All motions, if requested by a two-third (2/3) vote, must be submitted in writing.

Rule 3. Any conversation by whispering or otherwise, which is calculated to disturb a member while speaking or hinder the transaction of business, shall be deemed a violation of order.

Rule 4. No personalities shall be permitted in the discussion at the meeting under any circumstances.

Rule 5. Any member having made a motion can withdraw it by consent of their second, but a motion once debated cannot be withdrawn, except by a two-third (2/3) vote.

Rule 6. A motion shall not be subject to debate until it has been stated by the Chair, and anyone wishing to speak upon a motion shall rise to their feet and respectfully address the Chair, and if recognized by the Chair, they shall be entitled to proceed, and each member when speaking shall confine themselves to the question and avoid personal, indecorous and sarcastic language.

Rule 7. If a member while speaking is called to order, they shall take their seat until the point is decided, when if decided in order he/she may proceed.

Rule 8. No member shall speak more than once on the same question until all members desiring the floor shall have spoken, nor more than twice without the consent of the body, nor shall any member be permitted to speak more than ten (10) minutes at any one (1) time without consent of a two-third (2/3) vote of all members present.

Rule 9. The presiding officer shall not speak on any subject unless he/she retires from his/her chair, except on point of order.

Rule 10. A motion to adjourn, to lay on the table for the previous question, to refer, to recommend, shall not be debatable and one-fourth (1/4) of the members present shall be sufficient to call the previous question, and when the previous question has been called, it shall be put in this form: Shall the main question be now put? If this is carried, all further motions, amendments and debates shall be excluded and the main question be put without delay.

Rule 11. When a question has been decided, it can be only by a two-third (2/3) vote of the members present and a motion to reconsider must be made and seconded by two (2) members who voted with the majority.

Rule 12. This Local shall be called to order promptly at the time set for the majority.

Rule 13. Any member who shall persist in disobedience to the Chair or in violation of the rules of this Association shall be debarred from participating in any business at that meeting.

Rule 14. Any member desiring to offer a motion or resolution shall give their name, payroll and location to which they belong, and when recognized by the Chair shall proceed with their motion or resolution.

Rule 15. "Reading of the Bills" can be waived by a majority vote of the members present at the General Membership Meeting. The reading of the bills cannot be waived more than two (2) consecutive months.

Rules of Order Wage/Salary and/or Pension Contract Proposal

Rule 1. When duly appointed/elected officers and/or Wage Committee of the Local are in receipt of a contract proposal from the employer, said Committee may request the Executive Board schedule a meeting to consider the proposal.

Rule 2. Prior to said Executive Board meeting, the proposal will be prepared and distributed to the Executive Board members.

Rule 3. At the said Executive Board meeting, a vote will be taken after due consideration and discussion of the proposal.

Rule 4. In the event the Executive Board recommends rejection of the proposal, said Executive Board, along with the officers and the Wage Committee, shall determine the next course of action to be taken to protect the interest of the Local.

Rule 5. In the event the Executive Board recommends acceptance of the proposal, a copy of the proposal will be made available to each eligible member of the Local and a special membership meeting(s) will be scheduled subject due to hall availability.

Rule 6. One (1) hour prior to said membership meeting(s), members will be required to register outside the meeting hall and each member will be issued an official voting ballot after showing proper identification or being recognized as a member of Local 85.

Rule 7. After a member receives a ballot, the ballot must be shown to enter the meeting hall.

Rule 8. At said membership meeting(s), questions will be addressed and members of the Wage Committee and Executive Board will be available to explain the proposal and the intended recommendation.

Rule 9. Upon a valid motion and a second, members will cast their votes relative to the proposal.

Rule 10. After the second (2nd) meeting, the official tabulation of the ballots will occur, results to be posted at all locations.

ARTICLE XXIV Amendments and Modifications

Section 1. To alter, amend or rescind any of these By-Laws or to substitute new By-Laws, therefore the proposed changes must be submitted in writing, said changes or new By-Law shall be read at the regular meeting and a notice of said change or new By-Laws will be posted fifteen (15) days before the next regular meeting, at which time the change or new By-Law will be read again and voted on. A two-third (2/3) vote of the members voting will be necessary for adoption, subject to the approval of the International President.

Section 2. Any and all laws now in effect in this Local and conflicting with these By-Laws are hereby repealed, subject to the approval of the International President, and any By-Laws in conflict with the Constitution and General Laws are void.

Section 3. All questions not covered by these By-Laws shall be determined in accordance with Robert's Rules of Order, and the Constitution and General Laws.

Section 4. These By-Laws were read at the regular meetings of this Local on March 12, 2010 and April 9, 2010, and adopted with the approval of the International President on_____.

Section 5. Current copies of Local By-Laws shall be available to any and all members no later than June 1st of each year. Current in this paragraph and section shall mean any By-Laws change approved sixty (60) days prior to the date of June 1, 1981, and each succeeding year hence.

Signed

Patrick McMahon
President Business Agent

Sabatino DiNardo, Jr.
Financial Secretary-Treasurer

Michael Harms
Recording Secretary

By-Laws approved by International Presidents:

John M. Elliott
Dan V. Maroney
James LaSala
Warren S. George