

PREAMBLE

Our aim in this Organization will be to promote and protect the interest of our membership, to elevate the moral, intellectual and social conditions of all Union members, to assist each other in sickness and distress, to cultivate a feeling of Brotherhood, and to assist each other securing employment. To aid and assist all organization to uphold the dignity of labor and resist oppression by honorable means. To hold its sacred principle, that Union members, above all others, should set a good example as good and faithful workers, performing their duties to their employer with honor to themselves and their organization. We resent the principle of open shop association, and the association with any other Union or organization, and will continually strive for the enactment of legislation, which will enable us to achieve our objectives. So with these aims and principles in mind we the members shall be known as the Independent Union of Concrete Handlers.

Article 1

ORGANIZATION

The name of this organization shall be known as:
Independent Union of Concrete Handlers, Drivers and Operators

Article 2

JURISDICTION

The jurisdiction of this Union shall be as determined by vote of Union membership. (Majority vote rules.)

Article 3

PURPOSE

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

Therefore our purpose is as follows:

- To unite into one labor organizational all workers eligible for membership, regardless of religion, race, creed, color, national origin, age or sex;
- To engage in organizing workers and to provide services to Concrete Handlers, Drivers and Operators.
- To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods;
- To provide educational advancement and training for employees, members and officers;
- To safeguard, advance, and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people by political, educational and other community activity;

- To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its members, directly or indirectly;
- To engage in community activities which will advance the interest of this organization and its members in the community and in the nation, directly or indirectly;
- To protect and preserve the union as an institution and to perform its legal and contractual obligations;
- To receive, manage, invest, expand or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these Bylaws and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

Article 4

MEMBERSHIP

- A.** A Concrete Handler, Driver and Operator shall be considered a member when he shall meet all of the following requirements for membership:
- Sec. (1) He shall have executed a written authorization for deduction of dues on a form provided by an official.
 - Sec. (2) He shall have tendered the initiation fees and one month's dues by cash or check.
 - Sec. (3) The Union shall have accepted his authorization and dues.
- B.** Good standing.
- Sec. (1) A member shall lose his good standing membership in the organization by suspension or expulsion by vote of membership (majority vote required).
 - Sec. (2) A member in a suspended status because of his failure to pay his dues or other obligations as required by the Constitution and these Bylaws, and non suspended or expelled from membership pursuant to disciplinary action, may reinstate his good standing for the purpose of attending Union meetings and voting at elections by the payment of all delinquent dues and other financial obligations prior to such meeting and election.

C. Issuance of withdrawal cards.

- Sec. (1) A member who has requested and has been issued a withdrawal card shall be considered to have voluntarily withdrawn from membership in this Union.
- Sec. (2) In the case where the Union is required to give to a member an honorable withdrawal card, such member or former member shall not be permitted to hold office or vote, and shall have no right to participate in the meetings and affairs of the Union.
- Sec. (3) Upon the approval of these Bylaws by the President, supervisory employees and such other classifications as the Executive Board may lawfully determine, shall take no part on committees selected to negotiate wages and working conditions with employers, and shall not be permitted to vote on any such agreement or on any vote to strike or take other action with respect to the agreement to which they may be subject or parties.

D. Responsibility of members to the Union.

- Sec. (1) Every member by virtue of his membership in this Union is obligated to abide by these Bylaws with respect to his rights, duties, privileges and immunities conferred by them. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.
- * Sec. (2) Every member by virtue of his membership in this Union authorizes this Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer governing terms and conditions of employment and to act for him and to have final authority in presenting, processing, and adjusting any grievance, difficulty or dispute arising under such employer, in such manner as the Union or its officers deem to be in the best interests of the Union. The Union and its officers, plant representatives and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their reasonable judgment such grievance, complaint or dispute lacks merit.
- Sec. (3) No member shall interfere with the elected officers or business agents of this organization in the performance of the duties, and each member shall, when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with the individual rights of members. Each member and office shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Union of its legal or contractual obligations.

- Sec. (4) No member shall engage in dual unionism or espouse dual unionism or disaffiliation, nor shall any member slander or libel the Union, its members or its officers, or be a party to any activity to secure the disestablishment of the Union as the collective bargaining agent for any employee.
- Sec. (5) No member shall be permitted at any Union meeting or assembly, to engage in any of the conduct of Section (3) and (4).
- Sec (6) Every member shall follow the rules of order at all meetings of the Union.
- Sec. (7) Membership in this Union shall not vest any member thereof with the right, title or interest in or to the funds, property or other assets belonging to the Union now or hereafter and no member shall have a property right to membership in this organization.
- Sec. (8) No member may withdraw from his membership in this Union before he has paid all dues, assessments, fines and other obligations owing to the Union, and no resignation shall become effective until such payment.

E. Rights of Members.

Subject to reasonable application no provision of these bylaws, rule of parliamentary procedure or action by the Union or its officers shall be administered in such a way as to deprive individual members of the following rights:

- Sec. (1) The right to nominate candidates or vote in elections of the Union;
- Sec. (2) The right to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings;
- Sec. (3) The right to meet and assemble freely with other members and to express any views, arguments, or opinions, and to express at the meetings view upon candidates in an election of the Union or upon any business properly before the meeting, subject to the organizations established and reasonable rules;
- Sec. (4) The right to information concerning the conduct of the Union business and finances;
- Sec. (5) The right to institute an action in any Court or in a proceeding before any administrative agency, irrespective of whether the Union or its officers are defendants in the action, or to appear as a witness in a judicial, administrative or legislative proceedings of intra-union remedies as required by the Constitution and applicable law. For the

purpose of Article 4 (E) only, the term "meeting" includes any public meeting to which members of the Union are invited.

Article 5

DUES AND INITIATION FEES

- Sec. (1) The regular monthly dues of the organization shall be ~~Five~~ dollars (\$~~5~~.00) per week. In no event shall monthly dues be less than the minimum established in the Constitution.
- Sec. (2) Initiation fees for the membership in this organization shall be Twenty-Five dollars (\$25.00).
- Sec. (3) Re-initiation: Any member within one year may renew membership in the Union, with the exception as listed in Article 7B Section 2, without additional reinstatement or re-initiation dues—thereafter he must pay the full initiation fee.
- Sec. (4) General or Special assessments and levies may be made from time to time in the manner provided hereinafter.
- Sec. (5) Any increase in the rate of dues or initiation fees or the levying of any general or special assessment by the Union shall be made at a general or special membership meeting in accordance with the following procedures:
- Fifteen business days notice shall be given of the meeting at which the membership will consider the question of whether or not such dues, initiation or reinstatement fees, general or special assessment shall be increased or levied. The notice shall indicate that a proposed increase or assessment is to be voted on. For the purposes of this Union business days include Monday through Friday with the exception of all legal holidays.
 - At the meeting called as provided in this Section, voting shall be by secret ballot of the members in good standing.
 - A majority vote by secret ballot of the members in good standing at such meeting shall decide the issue.
 - This provision supersedes any Article, Section, or Amendment with respect to changing the dues, fees, as set forth.

Article 6

RULES of ORDER

Rule 1. The regular order of business may be suspended by a vote of the meeting at any time.

- Rule 2.** The Chairman of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.
- Rule 3.** Any conversation by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business, shall be deemed a violation of order.
- Rule 4.** Attending meetings under the influence of alcohol is basis for removal.
- Rule 5.** The meeting may determine what portions of its business shall be secret.
- Rule 6.** When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair he shall state his name.
- Rule 7.** If two or more members rise to speak, the Chair shall decide which is entitled to the floor.
- Rule 8.** Every member, while speaking, shall adhere to the question under debate, but all members shall have the right to express their views, arguments and opinions upon the candidates and upon any business properly before the meeting.
- Rule 9.** No member shall interrupt another member while speaking except for a point of order, and he shall definitely state the point, and the Chair shall decide the same without debate.
- Rule 10.** Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.
- Rule 11.** If any member shall feel himself aggrieved by the decision of the Chair, he may appeal from the decision of the Chair to the meeting without debate.
- Rule 12.** When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chairman to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The Chair member taking the appeal will have the right to state the grounds of the appeal, and the Chair will give his reasons for the decision. Thereupon, the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the Chair.
- Rule 13.** No member shall speak more than once on the same question until all members wishing to speak have had an opportunity to do so, nor more than twice without the permission of the Chair, nor more than ten (10) minutes at one (1) time.

Rule 14. In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be admitted until the question is stated by the Chair.

Rule 15. Any member may call for a division of a question when the subject or sense admits thereof.

Rule 16. All votes other than amendments to these Bylaws or Rules of Order may be reconsidered at the same or next succeeding meeting upon a motion made and seconded by two (2) members who voted in the majority, provided a majority of the membership present and voting agrees thereto; but after a motion to reconsider has been lost, it shall not be renewed.

Rule 17. The following motions shall have precedence in the following order: first, to adjourn; second, to close debate; third, to take up the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth, to amend. The first four shall be decided without debate. The remaining are subject to debate and a vote. (Majority vote rules)

Rule 18. When a question is postponed indefinitely, it shall not come up again, except upon a majority vote of the members present and voting.

Rule 19. The motion to close debate may be made by two (2) members, and shall be put in this form: "Shall the debate now close?" If adopted, the President shall proceed to take up the question before the membership, according to priority, without further debate.

Rule 20. The call for the previous question on the original motion may be made by six (6) members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take up the question on the original motion to the exclusion of all debate and all amendments, which have not been adopted.

Rule 21. If proper motion to amend has been made, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall be put as follows: (1) amendment to the amendment; (2) amendment; (3) original proposition.

Rule 22. A motion to adjourn shall always be in order. Except; (1) when a member has the floor; (2) when members are voting; (3) when a motion is pending.

Rule 23. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Union, until the next meeting.

Rule 24. The Chair shall state every question coming before the Union before permitting the opening of debate thereon. Immediately before putting it to a vote he shall ask: "Is the Union ready for the question?" should no member rise to speak on the question or if a majority shall vote to close discussion, the Chair shall

put the question. After he has risen no member shall be permitted to speak further upon it.

Rule 25. When the presiding Chairman has commenced taking the vote, no further debate or remarks shall be allowed, unless a mistake has been made, in which case the mistake shall be rectified and the presiding Chairman shall recommence taking the vote.

Rule 26. One (1) tap of the gavel shall call to order; Two (2) taps to be seated; Three (3) taps to rise.

Rule 27. Any question on procedure in debate, not provided for herein, shall be governed Roberts Rule of Order, revised. (Available at the principal office of the Union or online at www.rulesonline.com)

Rule 28. All rulings of the presiding officer on procedure, which are not challenged during the meeting, become final upon adjournment of the meeting.

Article 7

MEETINGS

Membership meetings shall be general or special.

A. General Membership Meetings

Sec. (1) General membership meeting shall be held at the Executive Boards discretion at such time and place as shall be designated by the same subject to disapproval by membership. The time and place of meeting in effect when these Bylaws are adopted shall continue until changed by the Executive Board upon reasonable and adequate notice to the membership. Membership meetings may be suspended during any three months between November and March by action of the membership at a meeting after reasonable notice of the intention to vote upon such question.

Sec. (2) Members in attendance at membership meetings shall have the right to express their views, arguments or opinions upon any business properly before the meeting subject to these Bylaws and the rules and regulations adopted by the Executive Board pertaining to the conduct of meetings, but no member in the organization may engage in or instigate any conduct which would interfere with the Union's performance of its legal or contractual obligations.

Sec. (3) The Union Executive Board is authorized to permit membership meetings to be held on a division, craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of the organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights

as member. There shall be no limitation on the right of any member to be heard at any such separate meeting provided herein on all matters, which apply, to the general membership.

B. Special meetings.

Sec. (1) Twenty Five (25%) of the members in good standing of the Union may submit a written petition for a special meeting to the President of the Union, setting forth the reasons therefore, and the President shall schedule the special meeting within a reasonable time. If the President does not schedule such meeting, the Executive Board shall schedule such a meeting within fifteen (15) days of the original petition. The President may, on his own motion, schedule a special meeting. Five (5) days notice of the date, time and place of any special meeting and of the questions to be presented, shall be given the membership.

Sec. (2) If, at any time after a special meeting, a member withdraws from the Union, he may not rejoin the Union until one (1) full year has passed, at which time he will be obligated to follow the rules as set forth in Article 5.

Article 8

OFFICERS

The Executive Board, consisting of the President, the Vice-President, the Secretary, Treasurer, the Sergeant-at-arms, Plant Representatives Warden and the Conductor and delegates of this Union. Eligibility to serve as such shall be prescribed in these Bylaws.

Section I

President Duties

- A. It shall be the duty of the President to preside at Independent Executive Board—hereafter termed Executive Board—meetings of this Union. It is the duty of the Executive Board to preserve order therein, and to enforce the Constitution, these Bylaws and the Rules of Order adopted by this union, and to see that all officers perform their respective duties. He shall also have the right to serve on all committees by virtue of his office, and in general, shall perform all duties as may be assigned by the Executive Board or membership from time to time.
- B. The President shall decide all questions of order, subject to an appeal to the membership, if a valid objection has been taken by an interested member, which appeal shall be determined by a majority vote of the members present and voting. The President shall also have the right to vote in the election of officers, shall cast the deciding vote when a tie occurs on any question, shall announce the results of all votes and enforce all fines and penalties, and shall have the power to schedule special meetings as needed.

- C. The President and Secretary shall be the principal executive officers of this organization. They shall in general, supervise, conduct, and control all of the business and affairs of this organization, its officers and employees, including without limitation, the right to appoint members of the Union to chair meetings and to preserve order therein.
- D. The principal officers, President and Secretary, shall sign all official documents, deeds, mortgages, bonds, contracts, other instruments, and perform such other duties as these Bylaws or the law may require of him.
- E. The principal officer, President, in conjunction with the Treasurer shall sign all checks on bank accounts and have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the Union, which have been properly incurred as provided herein. They shall have the authority to pay current operating expenses of the Union, including rents, utilities and maintenance of the Union hall, salaries and expenses of officers and employees.
- F. The principal officer, President, shall have charge and supervision of all the officers and employees of this organization and shall have power to appoint, suspend, or discharge all appointive organizers, appointive Business Agents, Assistant Business Agents and employees. Executive officers are not disqualified from also serving as appointive Business Agents. The President shall appoint all committees.
- G. The principal officer, President, shall also have charge of all labor controversies involving this Union.
- H. The principal officer, President, shall have the obligation of requiring three (3) days notification from any employers for any meetings with the Executive Board, the plant representatives and any other parties entitled to be present at such meetings to discuss any type of negotiations, collective bargaining, working conditions or any other topic that directly or indirectly effects the members of this Union. Upon notification of this meeting the principal officer, President, shall notify the Executive Board of such meeting time, place, and the questions to be discussed. At no time is the principal officer, President, to enter into any negotiations or discussions without the remaining Executive Board members and the plant representatives present.

Section II Duty of the Vice President

- A. It shall be the duty of the Vice President to preside at Union meetings in the absence of the President
- B. He shall be present at any and all meetings between the employers and the Executive Board and plant representatives. He shall be responsible to notify all plant

representatives for any such meetings within five hours of receiving the notification of such meeting from the President. At such meetings he shall conduct private discussions between the Executive Board members and plant representatives regarding the topics being discussed in such meetings.

- C. At no time is the Vice-President to enter into any negotiations or discussions without the remaining Executive Board members and the plant representatives present.
- D. He shall perform such other duties and render such assistance as may be directed by the President.

Section III Secretary duties

- A. The Secretary shall perform all duties imposed upon Union Secretary these Bylaws, and in general perform all duties incident to the office and such other duties as from time to time may be assigned to him by the President, the Executive Board or the members by resolution. He shall see that all notices and reports shall be given in accordance with the provisions of these Bylaws or as required by law.
- B. At no time is the Secretary to enter into any negotiations or discussions without the remaining Executive Board members and the plant representatives present.
- C. Whenever a Secretary's term of office expires or is otherwise terminated, he must transfer to his successor the Union seal, any records of meeting proceedings, collective bargaining documents, and other property of the organization. Until the successor accepts the transfer the incumbent Secretary shall continue to perform the duties of such office and maintain his position. All such records of meeting proceedings, collective bargaining documents, and other property of the organization shall be preserved and retained at the Union's principal office for a period of six years.

Section IV Treasurer Duties

- A. The Treasurer shall perform all duties imposed upon Union Treasurer by these Bylaws, and in general perform all duties incident to the office and such other duties as from time to time may be assigned to him by the President, the Executive Board or the members by resolution. He shall make at least quarterly a report at a membership meeting giving the financial standing including the assets and liabilities of the Union, and shall keep itemized records, showing the source of all monies received and spent, and shall keep records, vouchers, work sheets, books, and accounts and all resolutions to verify such report.

- B. The Treasurer shall keep a correct account of all monies paid to and paid out by the Union and shall provide receipts for any dues, initiation fees, or other fees, assessments, or fines or other monies received. The Union Treasurer shall enter all receipts in the name of the Union and shall deposit all monies.
- C. The Treasurer upon request of any member shall make available to the member a copy of the last annual financial report. He shall also make available for inspection by any member or members at the Union's principal office during regular business hours any prior annual financial report and any other document provided, however, if copying is desired by any member, the matter shall be requested in writing. Membership lists may not be copied.
- D. At no time is the Treasurer to enter into any negotiations or discussions without the remaining Executive Board members and the plant representatives present.
- E. Whenever a Treasurer's term of office expires or is otherwise terminated, he must see that his successor is properly bonded before he transfers to his successor in office any monies, itemized records of the receipt or spending of any monies, vouchers, work sheets, books, and quarterly reports. Until the successor furnishes a proper bond the incumbent Treasurer shall continue to perform the duties of such office and maintain his position. All such monies, itemized records of the receipt or spending of any monies, vouchers, work sheets, books, and quarterly reports shall be preserved and retained at the Union's principal office for a period of six years.

Section V Sergeant-at-arms

- A. It shall be the duty of the Sergeant-at-arms, to guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of the I.U.C.H. except on the order of the President and by consent of members present.
- B. At no time is the Sergeant-at-arms to enter into any negotiations or discussions without the remaining Executive Board members and the plant representatives present.
- C. Assist in maintaining the record of membership attendance at meetings and to perform such other duties as may be assigned by the Board from time to time.

Section VI Plant Representatives

- A. The Plant Representatives shall be responsible for the effectiveness of the Union Agreement with Management in his particular plant or sub plant. He shall know the personnel in his work area and keep them informed on matters relating to Union business. He shall assist the employees in problems brought to their attention. Prior to the initiation of a grievance, they shall attempt to resolve the problem with the department concerned, but will attempt to foresee where grievances might occur and attempt to correct the situation before it develops.
- B. They shall attend all regular and special meetings of the Union, unless circumstances prevent attendance, in which event they will endeavor to secure an alternate member from their plant or sub plant. They will act as an I.U.C.H. leader from their plant and solicit membership in their plant from non-members. They shall solicit attendance of members at regular and special meetings.
- C. They shall attend all meetings to discuss any type of negotiations, collective bargaining, working conditions or any other topic that directly or indirectly affects the members of this Union. They shall put in writing their questions, concerns and objections to be discussed at the appropriate time as allowed for in Article 9B. At no time are they allowed to speak during an open meeting with an employer regarding the present discussions.
- D. At no time are the Plant Representatives to enter into any negotiations or discussions without the remaining Executive Board members present.

Section VII Additional Officers

- A. Business Agents and Stewards. The membership must decide whether additional officers are necessary, and if the membership decides that additional officers are necessary, they shall be elected in the same manner as the President.
- B. Warden and Conductor. A Warden and a Conductor may be appointed by the Chair and may be removed by him. If appointed the Warden shall have charge of the inner door and shall not admit any member under the influence of alcohol to enter the meeting place. He shall assist the Chair in maintaining order. It shall be the duty of the Conductor to assist the Warden and to bring the proposed new members to be obligated as members. He shall also escort all guests to the Chair. He shall perform the duties of the Warden in the absence of the Warden.

Article 9

POWER and DUTIES of UNION EXECUTIVE BOARD

- A. Make and change rules and regulations not consistent with these Bylaws for the management and conduct of the affairs of this Union;
- B. The Executive Board shall be present at all meetings for negotiations, collective bargaining, working conditions or any other topic that directly or indirectly effects the members of this Union. They shall require and allow a period of time within those meetings to discuss privately amongst themselves and the plant representatives the matters at hand and will allow for any involved to voice their concerns, questions, objections and other points of view. The President, Vice President and the Secretary will be the only persons allowed to talk with the employers or their representatives regarding the negotiations or any other business that directly or indirectly affects the Union or its members.
- C. Provide for the employment of clerical employees, attorneys, accountants, and such other special of expert services as may be required for the organization and secure an audit of the books of this organization by a certified public accountant at least once a year;
- D. On behalf of the Union, its officers, employees or members, initiate, defend, compromise, settle, arbitrate or release, or pay the expenses and costs of any legal proceedings or actions of any nature if, in its judgment, it shall be necessary or desirable to protect, preserve, or advance the interests of the organization;
- F. Fill all vacancies in office, which occur during the term of such office;
- F. Transact all business, manage and direct the affairs of the Union between membership meetings except as may otherwise be herein provided; delegate when necessary any of the above powers to any officer for specific and temporary purposes and on condition that the action of such officer or agent be ratified by the Union Executive Board; the Union Executive Board shall designate other officers for the President or Treasurer for the purpose of signing checks to pay bills or to exercise any other functions of their offices in the event that either shall refuse to act or shall become ill or otherwise incapacitated;
- G. Determine the membership, which shall vote on agreements and strikes, and the composition of other membership meetings, and adopt rules and regulations concerning the conduct thereof not consistent with the Bylaws;
- H. Do all acts, not expressly authorized herein, which are necessary or proper in implementation of the above duties for the protection of the property of the Union and for the benefit of the organization and members.

- (a) The Union Executive Board shall have the duty to investigate any alleged fiduciary duty when circumstances so warrant and to take appropriate action if the investigation merits.
- (b) The Union Executive Board shall hold the President, upon notice to all Board members, shall determine meetings at such time and place

Article 10

OFFICERS -Generally

- A. All officers of this Union when installed after the election shall be required to take the following obligation of office.

I, do hereby solemnly pledge that I will faithfully fulfill the duties of my office as (state office) of this Union during the term for which I have been elected and installed and that I will support the Bylaws of this Union and perform the duties thereof to the best of my ability. I will deliver to my successor in office all books, papers, and other property of the Union that may be in my possession at the close of my official term, so help me God.

- B. All officers of the Union must, as a condition of holding office be free of 'Conflict of Interest' from other organizations or unions, and their representatives. Officers of this Union occupy positions of trust in relation to the Unions' well-being and its members as a group and are, therefore, accountable for their behavior in respect to protecting this Union from outside influences such as other organizations, unions and their representatives. Failure or refusal by an officer to conduct themselves free from outside influence or 'Conflict of Interest', shall constitute ground for immediate resignation of official position as called upon by the Union Executive Board, President, Vice-President or Secretary.
- C. All officers of the Union must, as a condition of holding office, execute all necessary forms required by law to be filed with any federal or state agency either for and in behalf of the Union or as an officer, but accidental default shall not be considered a violation of the duty imposed by this Section.
- D. All officers in the performance of their duties shall adhere to the terms of these Bylaws.
- E. The officers, and other representatives of the Union occupy positions of trust in relation to the Union and its members as a group and are, therefore, accountable to the membership with respect to the performance of their duties in handling funds and property of the Union. The failure or refusal by an officer, or other representative of this Union, upon demand of the Union Executive Board or of any individual member for good cause, to render a proper and adequate accounting or

explanation respecting the performance of his duties in handling funds and property of the Union shall constitute a ground for charges before the membership.

Article 11

NOMINATIONS and ELECTIONS of OFFICERS; Rules

- A. Time of Nominations and Elections: Meetings as hereinafter established for elections of officers shall be held not less than thirty (30) days after the nominations have been closed. The Union Executive Board shall set the time and place of nominations and elections; such time, place and other relevant arrangement shall be convenient to the greatest possible attendance by all the members.
- (a) This Union shall elect its officers by secret ballot not less often than once every two (2) years.
 - (b) Incumbent officers shall continue to perform the duties of their office until their successors have been duly elected, qualified and installed.
- B. Notice of Rules, Nominations, Meeting and Election: At least twenty (20) days prior to the date of the nomination meeting and the offices to be filled will be conspicuously posted. Each member shall be advised that the election rules are set forth in the Bylaws, which are available upon request.
- C. Eligibility of Members: Every member whose dues are paid up through the month, prior to the month in which the nominations or election is held, shall have the right to nominate, vote for, or otherwise support the candidate of his choice.
- D. The Union shall keep accurate records reflecting those members who are in attendance at each meeting, and shall exempt from the attendance requirements any member who because of illness, regular employment, or other good cause, is unable to attend a meeting. This exemption system shall be uniformly and fairly applied.

Article 12

NOMINATIONS

- A. Nomination Procedures. Nominations shall be held in accordance with provisions of Sections A-D of Article 11 at a general or special membership meeting. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of a special meeting in the month of May, at which meeting nominations and the conduct of elections shall be the sole order of business.

- Sec. (1) Nominations shall be made or taken by a member in good standing, by motion at a meeting or in writing for any member in good standing other than the nominee.
- Sec. (2) Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nomination being made.
- Sec. (3) A member otherwise eligible to run for office shall become a bona fide candidate upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person or, if absent, in writing, and may accept nomination for only one office.
- Sec. (4) Every member eligible to nominate candidates shall be entitled to nominate one (1) candidate, but only one (1) for each office open. Prospective candidates may not nominate themselves nor second their own nomination.
- Sec. (5) After the nominations meeting, but not less than twenty (20) days prior to the election, specific notice of the date, time and place of the election and of the offices to be filled shall be posted at all plants and shops. The election shall be held at such place or places and at such time after the nominations meeting, as may be designated by the Executive Board. The election shall be by secret ballot to be placed in boxes. Executive Board; balloting shall be open for a period of not less than six (6) hours during the period of between 8:00 a.m. and 8:00 p.m.; and it shall be the duty of the Executive Board to provide safeguards for the honest and fair conduct of each elections
- Sec. (6) Voting shall be conducted by secret ballot among the members in good standing. There shall be no proxy voting. Each member shall be entitled to one vote. The Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. Absentee balloting by mail shall be permitted only upon application of members who are ill, or absent from the city or town they are normally employed at the time of voting, because on vacation or on employment tour of duty. The Executive Board may permit additional reasons for absentee balloting if they so desire. Application for the absentee ballots shall be made to the Secretary not less than five (5) days prior to the date set for election and shall contain the grounds therefore. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close. Absentee voting shall be

conducted with all the proper safeguards for secrecy of the ballot. Voting by writing in the name of a person who was not duly nominated shall not be permitted. Any absentee ballot shall be declared void if it contains any mark other than the voting mark.

Sec. (7) Each candidate, at his own expense, shall have the right to have an observer other than himself at each polling place and at the counting of the ballots. Observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope, which in turn shall be sealed in an envelope with the name of the voter thereon. Challenges shall be investigated to determine their validity, if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon and the name-bearing envelopes destroyed.

Sec. (8) To be eligible to vote in the election, a member must have his dues paid through the month prior to the month in which the election is held. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto except in the case of trustees in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve the tie by lot. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. No run-off election shall be held.

Sec. (9) No officer may run for another office in this Union, the term of which covers part of his current term, unless he resigns from his current office at the time of the nomination, such resignation to be effective upon the installation of his successor. He shall announce his intention to resign no later than thirty (30) days prior to the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation.

Sec. (10) There shall be write-in candidates and any ballot containing a write-in candidate shall be counted insofar as the vote for that office is concerned and such ballot for that office shall be considered as having been cast in determining the vote for that office.

B. Duties of Secretary in Connection with Nominations and Election.

Sec. (1) The Secretary shall at least twenty (20) days prior to the holding of the nominations, give notice, as above provided, to the membership of the time, place, date and the offices for which nominations will be open in connection with the election. Such notice shall be given in the manner determined by the Union Executive Board, consistent with these rules.

Sec. (2) The Secretary shall review the eligibility to hold office of any member at such member's request and shall make a report on the eligibility of that member within five (5) days thereafter to any interested member.

Sec. (3) The Secretary may require that all campaign literature shall be presented to him at the principal office of the Union no later than seven (7) days prior to the date of election and may, where in his judgment it appears necessary, provide for a consolidation of such distribution in which case the cost of such distribution shall be assessed upon the candidates involved on a pro rata basis.

Sec. (4) The Secretary shall retain all requests for distribution for campaign literature and copies thereof, shall make record of the date the literature was distributed, the cost thereof and the amount received therefore, and shall also retain a copy of the notices of nominations and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, all ballots and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained at the Unions principal office for one (1) year.

F. Nominations and Election Protests

Sec. (1) Any member who desires to challenge a ruling that he is ineligible to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the President, who shall decide such an appeal within seven (7) days after receipt of the protest. The decision of the President shall be appealable to the Executive Board of the Union.

Sec. (2) In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held such to protest shall be made by written, by registered or by certified mail, by such member within forty-eight (48) hours after the final tally of ballots setting for the exact nature and specification of the protest and his claim as to how it effects the outcome of the election. Such protest or charge shall be made to the Secretary of the Union. The decision of the Secretary shall be appealable to the Executive Board for the final decision.

Sec. (3) If votes are challenged such challenge shall be made in writing at the time of the election with specific reasons given for such challenge.

Article 13

CHARGES and TRIALS

A. Each member of this union shall have the right to fair treatment in application of Union rules and law in accordance with these Bylaws. In applying the rules and the procedures relating to Union discipline, the essential requirements of due process of

law (notice, hearing, and judgment based on the evidence) shall be observed, without, however, requiring the technical formality followed in a court of law. Recognizing that these requirements of fairness and due process of law will be administered by groups of laboring men, this Union adopts the following procedures with the specific understanding that the following procedural guides are designed to attain justice both to the individual member and the organization, and in assistance where deviations from such procedures are not such as to substantially affect the members' substantive right, these procedures are not to constitute technically precise requirements of strict proceedings of a court of law.

B. Trials and Appeals

Sec. (1) Trials: Every member charged with a violation of these Bylaws shall be accorded a full and fair hearing as required by law. No member of the Union Executive Board having a personal interest in the subject matter of the charge, which personal interest is averse to that of the charging party or the accused, shall sit on the trial board. The decision on disqualification under this provision, if raised by an interested party, shall be made in the first instance by majority of vote of the Union membership. If the member charged or the preferrer of the charges is a member of the Executive Board, or if a member of the Executive Board is unable to attend the hearing for any reason then the President of the Union shall appoint a disinterested member as a substitute. If either the President or the Secretary is charged or is the preferrer of the charges or is unable to attend the hearing for any reason, the other officer shall appoint the substitute. If both the President and the Secretary of the Union are charged or are the preferrers of the charges, or for any reason are unable to attend the hearing, the remaining members of the Executive Board shall appoint the substitutes. Members in a general membership meeting shall consider charges by or against a majority of the members of the Executive Board.

Sec. (2) Charges: Charges shall be written and signed by those filing same and must be filed in duplicate with the Union Secretary of the body which is to hear the charges, who shall serve the charges and the notice of hearing upon the accused either in person, or by registered or certified mail at least 10 (ten) days prior to the hearing. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case. The charges must set forth the provisions of the Constitution or these Bylaws allegedly violated and the acts which allegedly constitute such violations in significant detail to inform the accused of the offense charged, including, where possible, dates and places. Charges shall not be processed unless the charging party files them within 6 (six) months after he learned, or in the exercise of due diligence should have learned, of the facts upon which the charges are based. If charges are filed, the charging party must include in the charges all alleged offenses of which

he has knowledge, or in the exercise of due diligence should have knowledge, as of the time of the filing of the charges; he may not subsequently file additional charges based upon facts of which he had knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. Under no circumstances will a member have the right to have a hearing held on charges based upon events occurring more than two (2) years prior to the filing of charges. No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final appeal has been concluded. Charges against elective officers of the Union shall be limited only to those activities or action occurring during their current term in office, and only those activities and actions occurring prior to their current term, which were not then known generally by the membership of the Union. Charges may be preferred against a suspended member or an ex-member who has been issued a withdraw card.

- Sec. (3) Rights of the accused. Throughout the proceedings, there shall be presumption of innocence in the favor of the accused. Clear and convicting evidence must be presented to support the charges, and the accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favorable to him and cross-examine adverse witnesses. The charging party, the accused, and the Union Executive Board may select only a member of the Union to represent them at the hearing conducted before any appellate body. Witnesses need not be members of the Union. The hearing shall be open to other members, subject to the discretion of the Executive Board in maintaining order and in excluding witnesses except when testifying.
- Sec. (4) Action by the Executive Board: A summary of the testimony and evidence introduced at the hearing shall be made and a copy of such summary shall be furnished the accused. The executive board shall have the authority to determine the matter of reporting the hearings and shall have the authority to exclude any method not authorized by it. If the Executive Board decides to have a transcript or recording of the hearing made, the Executive Board shall furnish a copy of the same to the accused and to other interested parties upon payment of cost for the same, or shall make such copy available to any interested party for copying or consultation without cost.
- Sec. (5) Appeals: Appeals shall be taken pursuant to the provisions of Article 18 of the Constitution.

Article 14

UNION PROPERTY

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

Article 15

NEGOTIATIONS, RATIFICATION OF AGREEMENTS, STRIKES and LOCKOUTS

- Sec. (1) Whenever a collective bargaining agreement is about to be negotiated, modified or extended at the request of this Union, the President shall schedule a meeting at which the membership shall determine and authorize the bargaining demands to be made. The Union Executive Board shall determine whether such meeting shall be limited to the members in a particular division, craft or place of employment. Where this Union is a participant in an area-wide or conference-wide agreement, it is understood that the bargaining demands of this Union may be accepted, modified or rejected by the overall vote of the members either by Union during a meeting or by mail.
- Sec. (2) Proposed collective bargaining agreements or amendments shall be submitted by the Secretary of the Union for approval as required in Sec (1) Article 15, before submission to the employer.
- Sec. (3) Ratification of agreements or amendments shall be subject to vote in the same manner as provided for in connection with bargaining demands.
- Sec. (4) If a settlement cannot be reached in connection with a negotiation or modification of a collective bargaining agreement between the members of this Union and an employer after the officers have used reasonable means of achieving a settlement through the process of collective bargaining, the matter shall be a subject to the strike procedure, conditions and qualifications as determined by membership vote and by labor agreement.

Article 16

SAVING CLAUSES

- Sec. (1) The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, etc., shall not be constructed as incorporating into any Union security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all such financial obligations imposed by or under these Union Bylaws (and in conformity therewith) shall be legal obligations of the members Union whom imposed and foreseeable in a court of law.
- Sec. (2) If any provision of these Bylaws shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of federal or state government, the Union Executive Board 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 overcome the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. This substitution must be voted upon (majority vote rules) and ratified for it to become a permanent change to these Bylaws. If any section or subsection of these Bylaws should be held invalid by operation or law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such section or subsection to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.

Article 17

AMMENDMENTS

- Sec. (1) Proposed amendments to the Bylaws shall be submitted in writing at a regular meeting of the Union only in January of each year upon initiation either by petition of five (5) members in good standing or by resolution of the Executive Board. Under no circumstances may these Bylaws be amended during a term of office to effect or modify the powers and duties of the incumbent officer or elected business agent. Such amendments may be made effective only as of the beginning of the next term of office.
- Sec. (2) The proposed amendments shall then be read at two (2) consecutive regular meetings of the membership and voted upon at the third (3) meeting or meetings. A two-thirds (2/3) vote of the members in good standing voting at such meeting shall be required for passage.

Sec. (3) Amendments to these Bylaws are subject to the approval of the President, and shall not be effective until such approval has been given.

Article 18

APPEALS

If a Union member is not satisfied with the judgment given him by the Executive Board he may request a special vote for pardon or absolution at the next regular membership meeting. A two-thirds (2/3) vote of those attending required to override the Executive Board and veto their judgment.

Article 19

FRATERNAL BENEFITS

A \$500.00 benefit shall be given on behalf of the Union to the member for the accidental or natural loss of an immediate family member. Immediate family member for this purpose includes spouse and children.
A \$500.00 benefit shall also be given to the surviving next of kin for any member who loses his life due to an accident or from natural causes.

Article 20

FISCAL YEAR

The fiscal year of this organization shall commence on the 15th day of May of each year. This Constitution and Bylaws were adopted by the Union vote on (Enter date).