

CONSTITUTION



INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Adopted by the 29th International Convention

June 27 – July 1, 2016



International Brotherhood of Teamsters

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CONSTITUTION
of the
International Brotherhood of
Teamsters

PREAMBLE

The International Brotherhood of Teamsters was formed in 1903 by representatives of independent local unions who had the foresight to recognize that the ability of each local to provide assistance to its members could be improved by the formation of a great labor organization which pooled the resources and talents of the individual locals. In creating the foundation for what has become the largest trade union in North America, those local unions agreed to subordinate some of their individual independence in order to obtain services, support, and expertise which none alone could provide but which all could obtain through coordinated action by the International Union.

In entering this new relationship, the local unions preserved their autonomy and identity and structured an International based upon the concept that the heart of the local is the membership and that the core of the International must be its locals. As the local unions must reflect the interests of their members, so too must the International Union be responsive to the needs of the locals which brought it into existence. The local unions and the International recognize that the interests of the membership are at the core of their relationship. The local unions and the International commit to serve the interests of the membership by maintaining a Union that is strong, democratic, and free of corruption.

This Constitution recognizes and protects the autonomy, integrity, and identity of each indispensable part of

Preamble

this great Union—the members, the locals, and the International. It constitutes an agreement among equal partners who are united by and dedicated to the common goal of achieving social and economic justice for workers everywhere.

Today, as we are confronted by the challenges of a global economy dominated by multi-national corporations that sweep past national borders and forage the globe in search of new workers and resources to exploit, we recognize that the future of working people and the future of our great Union depend on our ability to organize the unorganized and to build alliances with workers throughout the world. We recognize that the struggle for human rights, including the fundamental right of workers to form and join free trade unions, implicates universal principles which cannot be confined by national borders. The welfare of our members is interrelated with the ability of our fellow workers in the global marketplace to demand and obtain decent wages and working conditions from their employers. We pledge to support the legitimate efforts of our brother and sister workers to achieve the right to organize and obtain fair terms of employment.

We reaffirm our belief that only through a strong democratically accountable Union can workers be protected and prosper and only with the allegiance of its members and the mutual support of united labor organizations can the Union survive.

OATH OF OFFICE

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

I,, do sincerely promise, upon my honor as a trade unionist and a Teamster, that

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

Article I

Name

Section 1. This organization shall be known as the International Brotherhood of Teamsters and shall consist of an unlimited number of Local Unions chartered by the International Brotherhood of Teamsters.

The principal and main office of the International Union, as well as such other offices as in the opinion of the General Executive Board may be desirable, shall be located at such place and places as are designated by the General Executive Board.

Objects

Section 2. The objects of this International Union are to organize under one banner all workers engaged in in-

Art. I, Sec. 2

dustry; to educate them to cooperate in every movement which tends to benefit the organization; and to impress upon our membership, employers, and the public that it is to the advantage of all concerned that workers be organized. The organization of our industry requires honest and intelligent membership, adapted to the business. We teach our membership the advantage, benefits, and importance of their industrial position, and we endeavor to build-up and perfect a labor organization in conformity with the highest standards of our American and Canadian citizenship. We seek to ensure that the contributions made by our members to improve their industries are recognized and that workers receive the benefits derived from their labors in the form of reasonable hours, fair wages, improved working conditions, and respectful treatment by their employers.

The objects of this International Union are also to secure improved wages, hours, working conditions, and other economic advantages through organization, negotiations and collective bargaining, through advancement of our standing in the community and in the labor movement through legal and economic means, and all 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 throughout the world; to advance the rights of workers, farmers, and consumers, and the security and welfare of all the people by political, educational, and other community activity; to engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly; to provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in

part similar or related to those of this organization; to engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly; to protect and preserve the International Union as an institution and to perform its legal and contractual obligations; to receive, manage, invest, expend, or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in this International Constitution and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.

The achievement of these objectives within national economies that are dominated by multinational corporations and conglomerates, will require coordination of our activities to maximize our members' economic strength through national and international bargaining, the establishment of master industry-wide agreements, and the implementation of strategic organizing campaigns. It will require establishment of alliances with community groups that share our objectives, and whose goals we can also support.

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

In seeking to achieve these goals, we pledge to work

Art. I, Sec. 3-Art. II, Sec. 1

with employers that share our dedication to workers' rights, as we pledge to organize workers and to assist them in their fight against those employers that do not.

Section 3. This International Union is proud of its history of unifying a diverse group of working men and women from different cultures and ethnic backgrounds in order to advance their economic, social, and political interests. We are committed to the development of an organization which values and encourages the participation of women, individuals of various sexual orientations, and members of racial, cultural, and ethnic groups in the policymaking and leadership roles at all levels of the International Union and its affiliated bodies. In furtherance of its commitment to the participation of its diverse membership, the International Union will develop educational programs that emphasize the importance of diversity for use at the national, regional, and local levels of the organization. Through education and training, the International Union and its affiliates will promote policies and practices which encourage a cross-section of the membership to express their ideas, participate in decision-making, and to gain leadership roles.

Article II

JURISDICTION, MEMBERSHIP AND ELIGIBILITY TO OFFICE

Jurisdiction

Section 1(a). This organization has jurisdiction over all workers including, without limitation, teamsters, chauffeurs, warehousemen, and helpers; all who are employed on or around horses, harness, carriages, automobiles, trucks, trailers, aircraft, and all other vehicles hauling, carrying, or conveying freight, merchandise, or

materials; automotive sales, service, and maintenance employees; garage workers and service station employees; warehousemen of all kinds employed in warehouse work, stockmen, shipping room employees, and loaders, that is, persons engaged in loading or unloading freight, merchandise, or other materials on, to, or from any type of vehicle; all classes of dairy employees, inside and outside, including salesmen, brewery and soft drink workers; workers employed in ice cream plants; all other workers employed in the manufacture, processing, sale, and distribution of food, milk, dairy, and other products; all truck terminal employees; cannery workers; all craft or classes of airline and rail employees, including locomotive engineers, trainmen, rail traffic controllers, and maintenance of way workers; office, technical, and professional employees; health care employees; agricultural employees; public employees; all classifications of employees in the graphic communications industry; law enforcement personnel and industrial employees.

Membership

Section 2(a). Any person shall be eligible to membership in this organization upon compliance with the requirements of this Constitution and the rulings of the General Executive Board. Each person upon becoming a member thereby pledges his honor; to faithfully observe the Constitution and laws of the International Brotherhood of Teamsters, and the Bylaws and laws of his Local Union; to comply with all rules and regulations for the government of the International Union and his Local Union; to faithfully perform all duties assigned to him to the best of his ability and skill; to conduct himself or herself at all times in such a manner as not to bring reproach upon the Union; to take an affirmative part in the business and activities of the Union and accept and discharge his

Art. II, Sec. 2

responsibilities during any authorized strike or lockout; that he will not divulge to nonmembers the private business of the Union unless authorized to reveal the same; to never knowingly harm a fellow member; to never discriminate against a fellow worker on account of race, color, religion, sex, age, physical or mental disability, sexual orientation, gender identity, national origin or any other legally protected group or class; to refrain from any conduct that would interfere with the Union's performance of its legal or contractual obligations; and at all times to bear true and faithful allegiance to the International Brotherhood of Teamsters and his Local Union.

Union Fiduciary's Code of Ethics

Section 2(b). Any member who serves as a fiduciary of an employee benefit plan covering members or employees of the International or any of its subordinate bodies shall pledge to follow the following Code of Ethics with respect to his or her service as a fiduciary to the plan:

- (1). The fiduciary shall faithfully serve the best interests of the participants and beneficiaries of the plan in accordance with the requirements of applicable law.
- (2). The fiduciary shall exercise his or her duties with respect to the plan with the care, skill, prudence, and diligence under the circumstances that a prudent person familiar with such matters would use acting under similar circumstances.
- (3). Neither the fiduciary nor any member of the fiduciary's family shall profit personally from his or her position in the plan, other than through benefits payable under the generally applicable rules of the plan or reasonable compensation payable by the plan for services rendered to the plan,

which services are necessary for the establishment or operation of the plan.

- (4). A full-time paid officer or employee of a Local Union who is a fiduciary of an employee benefit plan shall not receive compensation from the plan if he or she receives full-time pay from the Local Union; provided, however, that nothing herein shall prevent the Local Union from receiving reimbursement of the fiduciary's employment-related expenses from the plan for services rendered to the plan by the fiduciary who is paid by the Local Union.
- (5). The fiduciary shall ensure that the Local Union or other subordinate body pays its fair share for any services or facilities it shares with the plan, including, but without limitation, office space, clerical and administrative staff, telephone, and other office equipment and supplies.
- (6). The fiduciary shall take the reasonable steps, consistent with his or her obligations under applicable law, to ensure that all employers who are required to contribute to the plan under a collective bargaining agreement fully comply with their reporting and contribution obligations.
- (7). The fiduciary shall not cause the plan to incur unreasonable administrative or other expenses not necessary for the establishment or operation of the plan, in accordance with established law.
- (8). The fiduciary shall cooperate with Union negotiating committees by responding to requests from any Chair or Co-Chair of a negotiating committee for information and assistance needed for bargaining, to the extent not inconsistent with his or her fiduciary obligations to the plan.

Art. II, Sec. 2

(c). Persons who own, lease, or operate a team or vehicle and/or perform any other work may be eligible for membership in this International Union. If, however, any Local Union can prove to the satisfaction of the General President that the membership of such individuals would be detrimental to the welfare of the Local Union, it may present such facts to the General President for authority to refuse to accept such persons as members. The General President shall consider all the facts and circumstances and render a decision in the matter, subject to appeal to the General Executive Board, which shall be binding on the Local Union.

(d). Membership shall also be available to so-called “vendors” and “owner-equipment drivers.” A “vendor” is a person who purchases products and sells the same on his own behalf. An “owner-equipment driver” is a person who, in connection with his employment, uses equipment sold or leased to him by his employer or equipment which he has purchased independently but which he uses in whole or in part in the service of his employer. When such persons apply for membership in the International Union, the Local Union and the International Union shall have the right and authority as a condition precedent to membership to approve or disapprove any contract pertaining to such form or similar form of employment.

(e). All contracts hereafter renewed or entered into pertaining to such form or similar form of employment shall likewise be subject to such approval or disapproval of the Local Union and International Union. If, in the judgment of the Local Union or International Union, such employment contract will constitute a reduction in the union wage scale then prevailing for such service without “owner equipment,” the same shall not be approved by the Local Union, and such persons shall be ineligible to membership or, if members, shall cease to work under

such conditions or be subject to suspension or expulsion by the Local Union or International Union.

(f). Recognizing the ever changing nature of work and the economic trends that are redefining the employer-employee relationship, and with the objective of organizing and protecting all workers under one banner as set forth in Section 2 of this Article, the General Executive Board is authorized to adopt and issue guidelines and standards regarding the acquisition and retention of membership by workers who may benefit through association with the workers represented by this Union. In exercising this discretion, the General Executive Board is empowered when necessity arises, to change, alter, and amend any provision of paragraphs (b) through (d) inclusive of this section.

(g). Local Unions and other subordinate bodies are authorized, through duly adopted Bylaws and with the approval of the General President, to place such specific limitations as the circumstances warrant on the right of members who hold supervisory positions to participate in the affairs of their organizations, but such members shall not be permitted to hold office, unless permitted by federal, state, local, or provincial law.

(h). Neither the International Union, nor any Local Union or other subordinate body, shall exclude or expel from membership or otherwise discriminate against any individual, or cause or attempt to cause any employer to discriminate against any individual, because of his race, color, religion, sex, age, physical or mental disability, national origin, sexual orientation, gender identity or any other legally protected group or class. Nor shall the International Union, or any Local Union or other subordinate body, limit, segregate, or classify its membership, or classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of

Art. II, Sec. 2-3

employment opportunities or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment because of such individual's race, color, religion, sex, age, physical or mental disability, national origin, sexual orientation, gender identity or any other legally protected group or class.

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

Section 3(a). No person who knowingly associates (as that term has been defined in prior decisions or disciplinary charges under Article XIX) with any member or associate of any organized crime family or any other criminal group, or who actively advocates the overthrow of a federal, state, or provincial government by force or violence, or is a member of any party or group and knows of and actively advocates its purpose to overthrow a federal, state, or provincial government by force or violence, shall be allowed to hold membership in the International Union or any of its subordinate bodies. If any such person obtains Union membership, or after having been admitted to Union membership knowingly associates with any member or associate of organized crime or any other criminal group or advocates the overthrow of a federal, state, or provincial government by force or violence, or

becomes a member of a party or group and knows of and actively advocates its purpose to overthrow a federal, state, or provincial government by force or violence, he shall be expelled from membership upon the filing of charges and the conduct of a trial in accordance with the applicable procedures set forth in Article XIX.

(b). The action of the Local Union Executive Board is final and binding, with the understanding that either party has the right to appeal in accordance with this Constitution, subject to the following provision: if, in the opinion of the General President, the above Section has not been complied with in principle and intent by the Local Union or its executive officers, he or someone appointed by him or acting for him, shall be empowered to reopen and review the case and, if he deems it advisable, he or his representative shall be empowered to transfer the case to the General Executive Board. If the General Executive Board returns a decision of guilty, the decision shall be final and binding.

Eligibility to Office

Section 4(a)(1). To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office, and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold the office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5, concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in the Local Union for which office is sought because of suspensions, expulsions, withdrawals, transfers, or failure to pay fines or assessments. Provided, however, that if a member on withdrawal depos-

Art. II, Sec. 4

its his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

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

(2). A Local Union in its Bylaws may require that a member, to be eligible for election to any office in the Local Union, must have attended a minimum number of the regular or divisional meetings of the Local Union, but not to exceed fifty percent (50%) during the twenty-four (24) consecutive months prior to nomination. Any Local Union in which a meeting attendance requirement is in effect shall keep accurate records reflecting those members who are in attendance at each meeting and shall enact, after proper notice to its members, either a bylaw amendment or an appropriate motion exempting from the attendance requirement any member who, because of illness, regular employment, or other good cause, is unable to attend a meeting. Any exemption system shall be uniformly and fairly applied.

(3). To be eligible for election to any office in the International Union, or a subordinate body other than a Lo-

cal Union, a member must be in compliance with Article II, Section 4(a)(1) and 4(a)(2), if applicable, prior to nomination for said office.

(4)(a). The requirement of continuous good standing and working in the jurisdiction and the obligation to take a transfer card or an honorable withdrawal card, as provided in this Constitution, shall not be applicable to any officer, employee, or member during a leave of absence granted to such officer, employee, or member with the approval of the Local Union Executive Board. Members in a reserve component of the military or National Guard who are called to active service lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, shall be considered to be on Union approved leave of absence without any further action by the Local Union Executive Board. During such leave, the member shall not be obligated to pay dues beginning with the month in which the member commences his active duty, and the Secretary-Treasurer shall mark the member as exempt, notwithstanding the requirements of Article XXIII, Section 7. The member shall notify the Local Union that he has been released from active service within thirty (30) days and will be responsible for paying his dues beginning with the month following the month of release. In the event the member remains in active service after twenty-four (24) months, the member must pay dues for the month following the expiration of the twenty-four (24) month period in order to remain in good standing. During the period of approved leave or for a maximum of twenty-four (24) months of active service, the Local Union may not issue a withdrawal card without the member's request, notwithstanding any provision of Article XVIII, Section 6 or 7.

(b). In newly chartered Local Unions which have

Art. II, Sec. 4

been in existence for less than twenty-four (24) months, a candidate for Local Union office must be a member and in continuous good standing in such Local Union and must have worked under its jurisdiction as a member for at least half of the period of time since the Local Union was separately chartered by the International Union. The same rule shall apply to members of an independent union, or a union formerly affiliated with an international union other than the International Brotherhood of Teamsters, that merges with an existing Local Union less than twenty-four (24) months prior to the next election of officers, provided the dues rates of the new members have been established in compliance with Article X, Section 3(d).

(c). In newly chartered Local Unions, chartered as a result of split-off or merger, a candidate must be a member of the newly chartered Local Union, must have worked in the jurisdiction for a total period of two (2) years, and for a total period of twenty-four (24) consecutive months prior to nomination must be in continuous good standing on a cumulative basis in the newly chartered Local Union and the Local Union from which the newly chartered Local Union was split-off or with which the newly chartered Local Union was merged.

(d). To be eligible for election to any office in a Local Union a member who has been involuntarily transferred from one Local Union to another Local Union must have worked at the craft as a member under the jurisdiction of the Local Union from which he has been transferred, and must have been so employed and in continuous good standing on a cumulative basis in both Local Unions for a total of twenty-four (24) consecutive months prior to nomination.

(e). All officers and employees of the International

Union and of any affiliate (excepting licensed, professional personnel employed as such) shall be considered as meeting the requirement of working at the craft within the jurisdiction for the purpose of retaining active membership and to be eligible for election to office in a Local Union in which he is a member or the International Union or any subordinate body or as a delegate to International Conventions. However, officers who are not full-time employees of an affiliate, who are not otherwise employed at the craft, and who do not receive a salary for performing work for the affiliate in addition to their duties under the Bylaws, shall not be considered to satisfy the working at the craft requirement by virtue of being an officer.

(f). The eligibility requirements of subparagraphs (a) (1) and (2) of this Section 4 shall apply to elected members of Local Union Executive Boards, elected Business Agents of Local Unions, delegates to Central Bodies or other subordinate bodies of this International Union, and delegates to all conventions of labor and to the Conventions of the International Brotherhood of Teamsters.

(g). Elected officers of the International Union, Local Unions and other subordinate bodies shall be delegates to such subordinate bodies, and to conventions of such other subordinate bodies by virtue of their office and in accordance with applicable provisions of this Constitution and the Bylaws of such other subordinate bodies.

(h). The General President, upon good cause shown, may waive any or all of the eligibility requirements in this Section 4 in connection with an election being conducted in a Trusteed Local Union as a preliminary step to the release of the Local Union from Trusteeship, pursuant to the provisions of Article VI, Section 5(i).

Article III

CONVENTION AND REPRESENTATION

Conventions

Section 1. The International Convention shall be the supreme governing authority of the International Union and shall have the plenary power to regulate and direct the policies, affairs, and organization of the International Union.

The Convention of the International Brotherhood of Teamsters shall be held every five (5) years at such time and place as may be designated by the General Executive Board upon the recommendation of the General President. The General Secretary-Treasurer shall issue a Call for the Convention not less than ninety (90) calendar days prior to the date of meeting, unless otherwise directed by the General Executive Board. In the event of an emergency as determined by the General Executive Board which prevents the holding of a Convention in accordance with the provisions herein set forth, the same shall be held as soon thereafter as possible, in accordance with the intent and spirit of this Constitution.

Any challenge to the Call of the Convention, the method of delegate selection, or the Convention procedures prescribed in such Call, must be filed in writing with the General President within fifteen (15) days of issuance of the Convention Call.

Basis of Representation

Section 2. Each Local Union having one thousand (1000) members or less shall be entitled to one (1) delegate, and one (1) delegate for each additional seven hundred fifty (750) members or major fraction thereof, but in no case shall a delegate have more than one (1)

vote, even though he may also be a delegate from the International Union or from more than one subordinate body. No proxy vote will be allowed. (See also Article VII, Section 5.) Each Local Union shall be required to send all of the delegates to which it is entitled to the Convention unless the General Secretary-Treasurer has attested to the financial inability of the Local Union to send a full delegation and thereafter the Local Union's membership has voted to send less than a full complement of delegates. If the Local Union is permitted and has voted to send to the Convention less than a full complement of delegates, the delegate who attained the greatest number of votes in the election conducted in accordance with Section 5 of this Article shall have first priority, with the remaining delegates ordered by descending votes received. In the event two or more candidates for delegate have received the same number of votes, the order of priority shall be determined by lot. Nothing shall prevent a delegate from attending the Convention at his own expense.

Requisites for Representation

Section 3(a). Except as provided in Section 3(c), no Local Union shall be entitled to representation in the Convention that has not been chartered, affiliated, and in good standing for a total of six (6) months prior to the opening of the Convention.

(b). No Local Union shall be entitled to representation in the Convention which, at the time of the Call of the Convention, is six (6) months or more in arrears in moneys due to the International Union or to any subordinate body thereof with which such Local Union is affiliated, or which, if less than six (6) months in arrears, has not paid all such arrearages in full at least three (3) days prior to the opening of the Convention, excepting those

Art. III, Sec. 3-5

moneys due for the last month, which amounts must be paid by the beginning of the Convention. If the circumstances warrant, the General Executive Board may waive any of the foregoing requirements on a nondiscriminatory basis.

(c). The General Executive Board is empowered to grant full representation to any Local Union which has been affiliated with the International Union for less than six (6) months when such Local Union was formerly an independent Local Union or was formerly affiliated with an international union other than the International Brotherhood of Teamsters, or was chartered as a result of split-off or merger.

Expenses of Delegates

Section 4. Each subordinate body shall pay the expenses of its delegates authorized to attend the International Convention under Section 2 of this Article. Local Unions may make arrangements for such payment of expenses by agreement with other subordinate bodies. All such authorized delegates from a Local Union shall be provided with the same expenses.

Election of Delegates and Alternates

Section 5(a)(1). Delegates to any International Convention in which any International Union officers are nominated or elected shall be chosen by secret ballot vote of the membership in accordance with Article XXII and applicable law relating to the nomination and election of union officers. During the month of July of the year preceding the Convention, the General Secretary-Treasurer shall notify each Local Union of the number of delegates that it may be entitled to send to the Convention, in accordance with the procedures set forth

in Article VII, Section 5. Local Unions having regularly scheduled officer elections during the fall of the year preceding the Convention may elect delegates and alternate delegates at the same time as officers are elected, provided that separate secret ballots are utilized for the delegates and alternate delegate election. Candidates for Local Union office may also run for delegate or alternate delegate. All Local Unions not conducting delegate and alternate delegate elections in connection with their regular officer elections shall conduct separate secret ballot elections for those positions. Nomination meetings for delegates and alternate delegates shall be conducted not more than six (6) months nor less than four (4) months prior to the month in which the Convention is held. Secret ballot elections shall be held not less than thirty (30) days after the nomination meeting.

Section 5(a)(2). Subject to Paragraphs 19 and 20 of the Final Order and Agreement entered in *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (S.D.N.Y.)(LAP), the General Executive Board shall adopt Election Rules to govern the election of Local Union delegates to any International Convention at which candidates for International Union office are nominated, and for the election of International Union officers. The Rules for any election conducted prior to 2021 shall not differ in any material way from the Rules that governed the 2011 International Officer and Delegate Election, provided, however, that non-material changes to those Rules may be made as necessary to accommodate the new election cycle. The Rules shall provide for the appointment of an independent election supervisor, who shall conduct and supervise such elections of delegates to the International Convention, the nomination of candidates for International office at the Convention and the election of International officers. The General Exec-

Art. III, Sec. 5

utive Board shall establish and maintain standards sufficient to ensure that the independent election supervisor shall be experienced, effective, and completely independent of the Union, and free from any actual or apparent conflict of interest, as provided in Paragraph 13 of the Final Order and Agreement. The Rules governing the International Union delegate and officer elections shall be designed to ensure a fair, free, and democratic election, shall be fully consistent with the provisions of this Constitution requiring the election of delegates and International Union officers by direct membership vote, and ensure that every member shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline or improper interference or reprisal of any kind by the Union or any member thereof.

Section 5(a)(3). Local Unions in Trusteeship may send delegates to the Convention only if a secret ballot election is conducted in accordance with Article XXII. The General Executive Board may exercise its authority under Article II, Section 4(h) in connection with any such election conducted for delegates or alternate delegates.

Section 5(a)(4). Delegates to the Convention meet to legislate on matters affecting the entire International Union and they are not bound to follow instructions of their particular Local Unions relative to their voting. They are entitled to base their judgments and their votes upon facts and considerations presented to them at such conventions-material which may not have been previously within the knowledge of themselves or the membership of the Locals which they represent. Therefore, instructions and directions by Local Unions to their delegates relating to voting on matters which come before the Convention shall be advisory only.

(b). Unless the International Officer and Delegate Elections Rules provide otherwise, any pre-election protest or protest concerning the eligibility of any candidate for delegate or alternate delegate shall be processed in accordance with Article XXII, Section 5(a). Any post-election protest concerning the conduct of any election of delegates or alternates shall be processed in accordance with Article XXII, Section 5(b), except that appeals from decisions of Joint Councils shall be filed with the Credentials Committee no later than forty-eight (48) hours after receipt of such decisions.

(c). Each elected delegate or alternate must meet the same eligibility requirements as are imposed for election to Local Union office. This, however, must not be construed so as to bar the eligibility of salaried officers of Local Unions or officers of the International Union. All International officers shall be entitled to all the privileges of regularly credentialed delegates, but shall not be permitted to nominate or vote for officers at the Convention unless they have been elected as delegates in secret ballot delegate elections held by a Local Union; provided that this shall not be construed to make eligible for International office any member who is not otherwise eligible through having worked within the jurisdiction for such a length of time as to have made him eligible for International office as is provided in this Constitution. This amendment shall take effect upon conclusion of the 2001 Convention.

(d). Joint Councils and State Conferences are entitled to one (1) delegate each, to be selected by the Executive Board of the Joint Council or State Conference from delegates who have been elected as Local Union officers by secret ballot. Such delegates from Joint Councils and State Conferences shall not be permitted to nominate or vote for officers at the Convention.

Credentials

Section 6. Upon receipt of the Convention Call and after the election of delegates and alternates, the Secretary-Treasurer of each Local Union shall forward the names of the delegates and alternates and a copy of their record of dues payment to the General Secretary-Treasurer. Each delegate shall present his credentials properly signed by the President or Secretary-Treasurer or, if both are unavailable, by any elected officer. He shall also present evidence establishing that he is a member in good standing and entitled to a seat in the Convention. The General Secretary-Treasurer shall publish a list of delegates at least sixty (60) days prior to the start of the Convention, which list shall be available to each candidate for International office.

Credentials Committee

Section 7(a). The General President shall, following the election of delegates preceding each Convention, appoint from the delegates-elect a committee of not less than seven (7) to act as a Credentials Committee. No delegate whose election is subject to challenge shall be appointed. Said Committee shall meet at the place of holding the Convention at least five (5) days prior to the opening of the Convention. The General President or his representative and the General Secretary-Treasurer shall also be members of said Committee. To this Committee shall be referred all credentials and all appeals regarding any challenges to any delegate's credentials. This Committee shall have a partial or complete report in writing ready for the Convention when it opens. All hearings of the Credentials Committee shall be held in the Convention city or, at the discretion of the Committee, by telephone conference call. The Committee shall have access

to all records necessary to resolve appeals concerning delegate elections which have been referred in accordance with Section 5(b) of this Article. Appeals from decisions of the Credentials Committee shall be taken to the Convention for final and binding decision.

(b). At the Convention, it shall be the duty of the Credentials Committee to examine credentials and to make decisions on challenges. It shall be presumed that all delegates who have submitted credentials in the form required to the General Secretary-Treasurer or to the Credentials Committee and whose election is not the subject of a pending challenge or appeal have been properly selected as delegates from their subordinate body. Such delegates may vote upon the acceptance or rejection of the Credentials Committee's report, in whole or in part, and on other matters which come before the Convention. No delegate whose election is the subject of an appeal to the Convention shall vote on any matter coming before the Convention until the appeal is resolved. Only those delegates who are present and seated at the time the report of the Credentials Committee is submitted may vote upon the acceptance or the rejection of such report. (The procedures in Section 7(a) and (b) for resolving challenges to delegates may be superseded by the Rules for the International Union Delegate and Officer Election.

(c). The appointed members shall receive as compensation for their extra services such expenses and remuneration as the General Executive Board may determine.

Constitution and Other Committees

Section 8. The General President is authorized to appoint from the membership a Constitution Committee which shall prepare proposed amendments to the International Constitution for submission to the Convention. The

Art. III, Sec. 8-9

General President, at his discretion, is also authorized to appoint such other committees from the membership as he may determine will facilitate the work of the Convention. The appointed members shall receive as compensation for their extra services such expenses and remuneration as the General Executive Board may determine.

Amendments to Constitution; Resolutions

Section 9(a). Thirty (30) days prior to each Convention, Local Unions, Local Union officers, members in good standing, or the general officers shall have the right to send to the General President proposed amendments or additions to the Constitution, or resolutions, which shall be submitted to the Constitution Committee when it meets. This shall not deprive delegates to the Convention of their right to propose amendments or additions to the Constitution during the Convention or to submit resolutions or amend resolutions during the Convention in accordance with the Rules governing the Convention. However, in all instances a proposed amendment or addition to the Constitution, or a resolution or amendment to a resolution shall be referred to the Constitution Committee. The International Union and the United States of America intend the provisions set forth in the Final Agreement and Order entered in *United States v. International Brotherhood of Teamsters, et al.*, 88 Civ. 4486 (S.D.N.Y.) (LAP), to govern future International Union practices in those areas. To the extent the International Union wishes to make any changes, constitutional or otherwise, in those provisions, to become effective after the completion of the 2016 election of International Officers, the International Union shall give prior written notice to the United States of America through the Office of the United States Attorney for the Southern District of New York. In the event the delegates to the Convention adopt any proposed amend-

ments to the Constitution governing such matters, the International Union shall notify the United States Attorney for the Southern District of New York. If the United States of America then objects to the proposed change(s) as inconsistent with the terms and objectives of the Final Agreement and Order, the United States Attorney for the Southern District of New York may apply to the United States District Court for the Southern District of New York for an order nullifying any such amendment.

(b). Amendments to the Constitution and all other action of the Convention shall be adopted by a majority vote of the delegates present, seated, and voting at the time of submission of the amendment or other proposed action to the Convention. Amendments shall become effective immediately upon their adoption unless otherwise specified in any particular amendment adopted by the Convention or unless such change has been nullified by the United States District Court for the Southern District of New York after a proceeding initiated under Paragraphs A(10) or 38 of the Final Agreement and Order in *United States v. International Brotherhood of Teamsters et al.*, 88 Civ. 4486 (S.D.N.Y.) (LAP).

(c). The General Executive Board shall have the power, following Convention adoption of amendments to this Constitution, but prior to printing thereof, to make such typographical, grammatical, and punctuation corrections, rearrangements and renumbering of articles and sections, or otherwise, including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments so adopted.

(d). The General President, subject to the Rules of the Convention as approved by the delegates, shall determine and may change the order of business at the Convention at any time.

Art. III, Sec. 9-Art. IV, Sec. 1

(e). The time within which certain actions must be taken as set forth in this Article, other than the time of holding the International Convention, may be waived by the General President and General Secretary-Treasurer upon good cause shown, with a right of appeal to the General Executive Board.

Quorum

Section 10. A quorum shall consist of the delegates present and seated at any session of the Convention. A session of the Convention is the period following the call to order in the morning until the luncheon recess, or the period following the luncheon recess to adjournment for dinner, or the period following the dinner recess, as the case may be.

Article IV

OFFICERS, DELEGATES AND ELECTIONS

International Officers

Section 1(a). The officers of the International Brotherhood of Teamsters shall consist of a General President, General Secretary-Treasurer (hereinafter referred to as Executive Officers), the President of Teamsters Canada, the number of other Vice Presidents-International Representatives (hereinafter referred to as Vice Presidents) calculated in accordance with Section (b) of this Article, and three (3) Trustees-International Representatives (hereinafter referred to as Trustees). The General President, the General Secretary-Treasurer, President of Teamsters Canada, and the other Vice Presidents provided for by Section (b) shall constitute the General Executive Board.

(b). There shall be seven (7) Vice Presidents At-Large. There shall also be Regional Vice Presidents from

the Eastern Region, Central Region, Southern Region, Western Region, and Teamsters Canada. One of the Regional Vice Presidents from Teamsters Canada shall be President of Teamsters Canada. The number of Regional Vice Presidents shall be determined on the basis that each Region shall be entitled to at least two (2) Regional Vice Presidents and one (1) additional Regional Vice President for each 100,000 members, or major fraction thereof, in excess of 200,000 members. The number of Regional Vice Presidents established by application of this subsection shall be in addition to the President of Teamsters Canada.

For purposes of determining the number of Vice Presidents from each Region, the General Secretary-Treasurer shall calculate the average membership of each Region for the two-year period ending in the month of September, preceding the Convention. Immediately upon making that determination, the General Secretary-Treasurer shall notify the Local Unions within each Region of the number of Regional Vice Presidents and shall publish such determination in the next issue of the International Teamster.

(c). The term of office of all International Union officers shall be five (5) years, or the interval between regular Conventions, whichever is the longer, and until their successor is qualified and sworn, subject however to the provisions of Article IX, Section 7.

Election of Officers

Section 2(a). At the International Convention, delegates shall nominate candidates for International Union Vice President by motion made in open Convention by a delegate and seconded by another delegate. No candidate shall make or second his own nomination. Candi-

Art. IV, Sec. 2

dates must accept floor nominations no later than at the time made, either in person or in writing. To qualify for the ballot as a candidate for Vice President, a candidate who has been nominated from the floor of the Convention must, thereafter, receive at least five (5%) percent of the votes cast by the delegates from the Region in which he is running or, in the case of at-large positions, by the delegate body as a whole. Such voting shall be conducted by secret ballot. In calculating the number of votes necessary for nomination for the ballot, any fraction shall be rounded to the next whole number. No member shall be a candidate for nomination to more than one (1) Vice President office.

(b). Candidates for the three (3) Trustee positions shall be nominated by motion made in open Convention by a delegate and seconded by another delegate. No candidate shall make or second his own nomination. Candidates must accept nomination no later than at the time made, either in person or in writing. To qualify for the ballot as a candidate for Trustee, a candidate who has been nominated from the floor of the Convention must, thereafter, receive at least five (5%) percent of the votes cast by the delegates to the Convention. Such voting shall be conducted by secret ballot. In calculating the number of votes necessary for nomination for the ballot, any fraction shall be rounded to the next whole number. Trustees shall be elected at the same time and in the same manner as the other International Officers. The three (3) candidates receiving the highest number of votes shall be declared elected.

(c). After the nomination of International Vice Presidents and Trustees, delegates shall nominate candidates for General President and General Secretary-Treasurer. Nominations shall be made in open Convention by a delegate and seconded by another delegate. No candidate

shall make or second his own nomination. Candidates must accept floor nomination no later than at the time made, either in person or in writing. To qualify for the ballot as a candidate for General President or General Secretary-Treasurer, a candidate who has been nominated from the floor of the Convention must, thereafter, receive at least five (5%) percent of the votes cast by the delegates to the Convention. Such voting shall be conducted by secret ballot. In calculating the number of votes necessary for nomination for the ballot, any fraction shall be rounded to the next whole number. No member may accept floor nomination for the office of General President and for the office of General Secretary-Treasurer.

(d). Candidates must accept nomination resulting from the secret ballot nomination vote in person at the start of the regular business of the morning session of the fifth day of the Convention, or if absent, by written acceptance filed at least one day prior to the close of the Convention. No member shall accept secret ballot nomination for more than one (1) International Union office.

(e). Where the number of floor nominations does not exceed the number of positions open for elections, there shall be no necessity for any further nominations or election process with respect to such floor nominee(s), and such nominee(s) shall be declared duly elected. Where the number of nominations resulting from the secret ballot nomination vote does not exceed the number of positions open for election, there shall be no necessity for the election of such nominee(s) and such nominee(s) shall be declared duly elected.

(f). Each candidate nominated from the floor shall be entitled to an observer at each nomination balloting site. A candidate may not be an observer at a polling place where his name appears on the ballot. The secret ballot-

Art. IV, Sec. 2-3

ing shall be conducted pursuant to the duly adopted Election Rules. Candidates and their observers shall have the right to witness the ballot tabulation. The results of the secret ballot nominating elections shall be reported to the Chairman of the Convention, who shall announce the results to the delegates. Objections to the nomination of any officer(s) shall be made immediately upon the announcement of the results. Objections shall be made to the Convention and shall specify the alleged violation and the manner in which the outcome of the nomination may have been affected. Objections shall be resolved by majority vote of the delegates.

(g). Officers who may have been declared elected under Section 2(e), shall be certified on the last day of the Convention but shall not assume their official duties until the expiration of the terms of the incumbent officers, upon the certification of the results of the rank-and-file election of the General Executive Board.

Section 3(a). No less than four (4) months and no more than six (6) months after the Convention, candidates nominated for the ballot for the offices of General President, General Secretary-Treasurer, Vice Presidents, and International Trustees shall be elected by direct rank-and-file voting by members in good standing. All voting shall be by secret ballot. All eligible members shall be entitled to vote for General President, General Secretary-Treasurer, Vice Presidents At-Large, and International Trustees. Eligible members shall also be entitled to vote for their respective Regional Vice Presidents.

(b). The candidates for General President, General Secretary-Treasurer, and Vice Presidents At-Large, respectively, receiving the highest number of votes shall be declared elected. The candidates receiving the highest number of votes for Eastern, Western, Southern, Canadi-

an, and Central Region Vice Presidents, respectively, shall be declared elected. The three (3) candidates receiving the highest number of votes for International Trustee shall be declared elected. In the event of a tie vote that determines election to any office, there shall be a rerun election between the tied candidates.

(c). All direct rank-and-file voting by secret ballot described above shall be by mail ballot in accordance with Department of Labor regulations.

Section 4. No candidate for election shall accept or use any contributions or other things of value received from any employers, representative of an employer, foundation, trust, or any similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this International Union. Violation of this provision shall be grounds for removal from office.

Delegates to Conventions and Other Meetings; Expenses; Unit Rule

Section 5. All delegates representing the International Union at conventions or meetings of any other labor organization or federation of labor organizations, national or international, shall be appointed by the General President and shall perform such functions as the General President may prescribe.

All expenses and allowances of the above delegates shall be paid by the International Union, the amount to be determined by the General President.

The unit rule shall prevail in all votes cast among the delegates representing the International Union at such conventions and meetings.

Article V

SALARIES AND EXPENSES OF OFFICERS

Section 1(a). The salary of the General President shall be two hundred twenty-five thousand dollars (\$225,000) per year. The salary of the General Secretary-Treasurer shall be two hundred thousand dollars (\$200,000) per year. All expenses of the General President and General Secretary-Treasurer shall be paid by the International Union. The salaries of the Vice Presidents-International Representatives shall be seventy-five thousand dollars (\$75,000) per year as compensation for attending board meetings and for representing the interests of the International Union. The salaries of the three (3) Trustees-International Representatives shall be seventy-five thousand dollars (\$75,000) per year as compensation for performing their duties as officers and for representing the interests of the International Union.

When engaged in other duties under orders from the General President, the Vice Presidents-International Representatives, and Trustees-International Representatives may receive additional compensation and expenses as determined by the General President.

Except for the General President and General Secretary-Treasurer, the provisions for compensation and allowances contained in this entire Article shall be in addition to any compensation and allowances which may be received from subordinate bodies. The General President and General Secretary-Treasurer may not receive compensation, allowances, or fringe benefits from any subordinate body. Nor shall the total salary of any Vice President-International Representative or Trustee-International Representative exceed that of the General President. Provided, however, that any International Officer, International Representative, General Organizer, or International

al Auditor employed at the time of the 1991 Convention shall not have his current salary reduced by operation of this Section.

(b). In addition to the above, effective July 1, 1992, and every July 1 thereafter, all International Union officers shall receive an annual cost of living increase which shall be equal to the percentage increase in the Consumer Price Index, U.S., All Items (1982-84 = 100) or CPI-W, published by the U.S. Department of Labor, between the index figure of May 1991 (published June 1991) and succeeding Mays (published succeeding Junes) and the index figure for May 1992 (published June 1992) and succeeding Mays (published succeeding Junes). The increases provided by this subsection shall not increase the base salaries for newly elected officers set forth in subsection 1(a).

(c). The person holding the position of Executive Assistant to the General President, while working under orders of the General President, shall be paid a salary, allowances, and expenses fixed by the General President.

(d). International Representatives shall be appointed by the General President and while working under his orders shall receive a salary as determined by the General President and reported to the General Executive Board. International Auditors shall be appointed by the General Secretary-Treasurer and shall receive a salary as determined by the General Secretary-Treasurer and reported to the General Executive Board. The total salary of any International Representative or International Auditor shall not exceed that of the General President. International Auditors appointed after the 1991 Convention shall not receive compensation or allowances from any subordinate body.

(e). The Vice Presidents, Trustees, Executive Of-

Art. V, Sec. 1

ficers, Executive Assistant to the General President, Executive Assistant to the General Secretary-Treasurer, International Representatives, International Auditors, and the General Organizers of the International Union, except as otherwise provided herein, shall be allowed ten dollars (\$10.00) per diem as an incidental allowance. All General Organizers, International Representatives, and International Auditors shall be allowed the sum of five hundred fifty dollars (\$550.00) per month as an automobile allowance. All Executive Officers, General Organizers, International Representatives, International Auditors, and others working outside their home city, or when traveling in the interest of the organization, shall receive their fare in addition to the above-named sum to and from their destination. In addition, they shall receive a reasonable sum for lodging which, in the United States, shall not exceed one hundred fifty percent (150%) of the federal maximum lodging allowance for each city. Such lodging reimbursement shall be evidenced by receipts. In addition, a meal allowance of one hundred dollars (\$100.00) shall be paid for each day for which a lodging reimbursement is warranted. Provided, however, that the automobile and lodging allowances shall be adjusted on an annual basis in the manner set forth in subsection 1(b) of this Article. On special assignments or where special circumstances require, allowances and expenses shall be as determined by the General President. Allowances and expenses paid by the International Union shall be in lieu of any similar payment by a subordinate body or affiliate.

(f). All salaries of, or powers to establish them for, general officers shall be determined by the Convention prior to the election of officers.

The General Executive Board may provide such accommodations by purchase, lease, or otherwise, as it believes desirable for the housing of officers and employees

while on official union business, and require the use thereof.

(g). The General President shall also have the authority to establish the conditions of employment and fringe benefits for persons hired in accordance with subsections (c) and (d) of this Article. All of the foregoing shall be subject to the disapproval of the General Executive Board, but such disapproval shall not be retroactive.

Travel Provisions

Section 2. The General President may travel within North America and abroad for the purpose of promoting the interests and welfare of the International Union and the making of diplomatic contacts with other organizations and institutions. The General Executive Board shall provide for all expenses and allowances of the General President when performing the services mentioned herein.

All the provisions of this Section shall be applicable to the General Secretary-Treasurer.

Article VI

GENERAL PRESIDENT—DUTIES AND POWERS

General Duties

Section 1(a). The General President shall preside at the Convention of the International Brotherhood of Teamsters and conduct the same in conformity with this Constitution. He shall have the deciding vote in case of a tie on any question that is being voted on by the Convention. He shall act to the best of his ability in furthering the interests of the organization. He shall fill any vacancy among the officers of the International Union, subject to the approval of a majority of the General Executive Board.

(b). The General President shall have general supervi-

Art. VI, Sec. 1

sion over the affairs of the International Union, which shall be conducted in accordance with the Constitution and subject at all times to review and approval of the General Executive Board.

(c). The General President and the other general officers may hold office in subordinate bodies and render services thereto. However, neither the General President nor General Secretary-Treasurer shall receive any compensation, allowances, or fringe benefits from any such subordinate bodies.

(d). The General President may accept a call to serve by the government of the United States; and if such call is made and he believes that it is in the best interests of the International Union to accept, his position and remuneration as now outlined in the Constitution shall not be interfered with and shall continue.

(e). The General President may, without the approval of the General Executive Board, appoint a member of the International Union as Executive Assistant to the General President, who shall receive a salary for the term of his appointment as set forth in Article V, Section 1(c).

(f). The General President may appoint and designate a member of the Union as a Personal Representative who shall act on behalf of the General President as the General President may determine, including the right to attend meetings, interview members, and review the records of any subordinate body of the International Union.

(g). The General President shall be empowered to appoint and fix the salaries of one (1) or more Assistants to the General President to carry on his work if he deems it necessary.

(h). The General President shall have the authority at his discretion to direct that a mail referendum vote, or a

supervised secret ballot vote or a secret ballot vote by membership in meeting assembled, be held by the membership of any Local Union or subordinate body, or the membership in any division or craft of any Local Union or subordinate body, or the membership at any place of employment or under any specific contract, or on any other similar basis on any matter, issue or proposition when, in his opinion, the welfare of such membership or the subordinate body or the Local Union or the International Union will be served thereby.

Judicial Powers

Section 2(a). The General President shall have authority to interpret the Constitution and laws of the International Union, including the authority to interpret the Bylaws of subordinate bodies, and to decide all questions of law thereunder between meetings of the General Executive Board. The General President shall have authority, unless some other procedure is expressly provided in this Constitution, to settle and determine all grievances and disputes submitted to him by Joint Councils, Local Unions and other subordinate bodies, or members, between meetings of the General Executive Board. All interpretations rendered under this Article shall be subject to appeal to the General Executive Board and, thereafter, to the next Convention in the manner and to the extent prescribed in this Constitution. When any action is taken as provided herein between meetings of the General Executive Board such action shall be reported to the next meeting of the General Executive Board for its approval, reversal, or modification, if an appeal has been taken.

(b). When the General President makes a decision or orders a subordinate body to observe the laws, and the subordinate body refuses, the subordinate body shall be subject to suspension or revocation of charter by the Gen-

Art. VI, Sec. 2-4

eral Executive Board or imposition of Trusteeship by the General President. This provision shall also apply to decisions and orders of the General Executive Board.

Arbitration

Section 3. In any controversy with an employer not covered by a Local Union agreement, the Local Union shall make all reasonable efforts to settle the same through negotiation and, if it fails, through a fair arbitration tribunal. If an employer offers to arbitrate, it shall be optional with the Local Union to accept or reject such arbitration. However, if the Local Union rejects arbitration and the matter is brought to the attention of the General President, he shall ask the officers or representatives of the Local Union to appear before him or his representative or in some other manner to explain their reasons for refusal. If the General President is satisfied that the Local Union is not justified in refusing arbitration, then the General President shall submit the matter to the General Executive Board, and if the General Executive Board is of the opinion that the Local Union should arbitrate, it may so decide; whereupon the Local Union shall proceed to carry out the decision of the General Executive Board.

Approval of Bylaws of Local Unions

Section 4(a). Bylaws of Local Unions and other subordinate bodies, and amendments thereto, shall be effective upon approval by the General President. The General President shall have the authority to approve amendment(s) retroactive to the date on which the amendment(s) were initially adopted by the Local Union's membership. However, such retroactive approval shall not be granted where the effect of such action would be to excuse an action taken without adequate authorization as required by the Bylaws

approved by the membership. In no event shall Bylaws, or amendments thereto, be approved to a date before they were properly adopted. Retroactive approval shall not be granted unless the Bylaws or amendment is submitted to the General President for approval promptly after its adoption by the membership. Nor shall retroactive approval be granted if the effect is to excuse an action that was not lawful, or was not properly authorized in accordance with the Bylaws as approved by the subordinate body, at the time the action was taken. If the General President fails to approve the Bylaws or amendments thereto, the matter may be referred by the subordinate body to the General Executive Board for its determination.

(b). Local Unions shall not adopt Bylaws or take any action which would impair their ability to meet their financial obligations to the International Union and its subordinate bodies or interfere with the discharge of their obligations to their members in the negotiation and administration of collective bargaining agreements and in conducting the affairs of the Local Union as a solvent organization.

**Power of General President to Appoint
Trustees; Duties and Obligations of
Local Unions Under Trusteeship**

Section 5(a). If the General President has or receives information which leads him to believe that any of the officers of a Local Union or other subordinate body are dishonest or incompetent, or that such organization is not being conducted in accordance with the Constitution and laws of the International Union or for the benefit of the membership, or is being conducted in such a manner as to jeopardize the interests of the International Union or its subordinate bodies, or if the General President believes that such action is necessary for the purpose of correcting corruption or financial malpractice, assuring the perfor-

Art. VI, Sec. 5

mance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures or preventing any action which is disruptive of, or interferes with the performance of obligations of other members or Local Unions under collective bargaining agreements, or otherwise carrying out legitimate objects of the subordinate body, he may appoint a temporary Trustee to take charge and control of the affairs of such Local Union or other subordinate body; provided, however, that before the appointment of such temporary Trustee, the General President shall set a time and place for a hearing for the purpose of determining whether such temporary Trustee shall be appointed; and further provided that where, in the judgment of the General President, an emergency situation exists within the Local Union or other subordinate body, the temporary Trustee may be appointed prior to such hearing, but such hearing shall then commence within thirty (30) days and decision made within sixty (60) days after furnishing of the transcript of testimony; and further provided that in all cases the Local Union or other subordinate body shall be advised of the reason for the appointment. Adequate notice at least ten (10) days prior to the date of the hearing shall be given to the Local Union or other subordinate body involved. In the case of all hearings conducted prior to or after the establishment of a Trusteeship, the General President shall designate a panel composed of uninvolved members of the International Brotherhood of Teamsters, at least one (1) of whom shall be from the area involved. The General President may, at his discretion, appoint an employee of the International Union to such panel. Such representatives shall make their recommendations to the General President orally or in writing within sixty (60) days after the furnishing of the transcript of testimony, and the decision in the case shall be made by the General President

himself, which decision shall be made within fifteen (15) days after such recommendations are received by him, and the decision shall be promptly transmitted to the Local Union or other subordinate body. Appeals, if any, from determinations following such hearings shall be taken directly to the General Executive Board. Appeals, if any, from the decision of the General Executive Board shall be taken to the Convention by only the Local Union or subordinate body affected. Procedures on appeals under this Section, insofar as is consistent with this Section, shall be governed by the provisions of Article XIX. The International Union shall not be responsible for any actions or activities of a Local Union or other subordinate body under Trusteeship unless such actions or activities have been directed or authorized by the Trustee.

The General Executive Board may modify or add to the procedures established herein for the purpose of assuring compliance with any applicable law.

The time requirements set forth in this Section shall not be mandatory but are only directory.

(b). The Trustee shall be authorized and empowered to take full charge of the affairs of the Local Union or other subordinate body, to remove any or all officers and appoint temporary officers at any time during his Trusteeship, and to take such other action as in his judgment is necessary for the preservation of the Local Union or other subordinate body and its interests. The terms of office of officers so removed shall terminate as of the date of removal.

The Trustee shall report from time to time on the affairs and transactions of the Local Union or other subordinate body to the General President. His acts shall be subject to the supervision of the General President. The General President may remove Trustees at any time and

Art. VI, Sec. 5

may appoint successor Trustees. The General President may also appoint an administrative assistant to the Trustee to assist such Trustee in managing the day-to-day operations of the Trusteed Local Union.

(c). The removed officers shall turn over all moneys, books, and properties of the Local Union or other subordinate body to the Trustee, who must render a receipt for the same.

(d). Temporary officers and Trustees must be members in good standing of Local Unions in good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.

(e). The Trustee shall take possession of all the funds, books, papers, and other properties of the Local Union or other subordinate body and tender a receipt for same. He shall pay all outstanding claims, properly proved, if funds are sufficient. If the funds are not sufficient he shall settle the most worthy claims, as his judgment dictates, unless otherwise provided for in this Constitution. In the event the charter of the Local Union or other subordinate body is suspended or revoked, all its funds, books, papers, and other properties shall be forwarded to the General Secretary-Treasurer, who shall hold them for the purpose of reorganization. If no reorganization occurs within a period of two (2) years, such funds shall be transferred to the general fund.

(f). In all cases of Trusteeships, the Trustee shall make a report to the General President at intervals of no more than every six (6) months, which report shall contain his recommendations with respect to whether the Trusteeship shall be continued or terminated.

The first (1st) such report shall be made within six (6)

months after the date of the decision following the hearing on the appointment of a Trustee.

(g). Additionally, the Local Union, or other subordinate body, in regular or special membership meeting, by a majority vote, may petition the General President for the restoration of self-government, provided that no such petition shall be presented at intervals of less than six (6) months starting with the date of the decision following the first hearing on the appointment of the Trustee.

(h). When a Local Union or other subordinate body petitions for restoration of self-government as herein provided, it shall be accorded a hearing which shall be commenced within thirty (30) days and a decision made within sixty (60) days after the receipt of the transcript, which hearing shall be held in the same manner as provided in Section 5(a) of this Article relative to hearings on initial appointment of Trustees.

(i). When it is determined by the General President or the General Executive Board that self-government be restored, the Trustee shall direct an election at such time as he may designate, any other provision of this Constitution or Local Union rules or Bylaws to the contrary notwithstanding. The Trustee shall not install the officers elected at such election until directed to do so by the General President. Upon such installation the Trusteeship shall terminate and the Trustee shall return all remaining funds, property, books, and papers to the appropriate officers of the Local Union or other subordinate body. Subsequent to the release of the Local from Trusteeship a terminal audit shall be prepared. The term of office of the newly elected officers shall be for not more than three (3) years in the case of a Local Union, or four (4) years in the case of any other subordinate body, and the next election for officers shall take place in compliance with the provi-

Art. VI, Sec. 5-7

sions of Article XXII, Section 4 in the October, November, or December closest to and preceding the expiration of the three-year or four-year period, as the case may be following the initial election.

(j). During any Trusteeship, the affairs of the Local Union shall be administered in accordance with the existing Bylaws of the Local Union, to the extent those provisions are consistent with the Constitution and do not prevent the Trustee from accomplishing the objectives of the Trusteeship. The General President shall have the authority to approve a recommendation of the Trustee that a provision of the Local Union Bylaws be suspended in order to redress the problems that caused the Trusteeship.

Removal of International Representatives

Section 6. The General President, when he deems it for the best interests of the International Union, is hereby empowered to remove any International Representative.

Official Journal

Section 7. The official Journal shall be published under the supervision of an editorial staff of not less than two (2) members selected by the General President and approved by the General Executive Board, such staff to work under the direction of the General President, but to be responsible to and guided in its policies by the General Executive Board. A copy of the Journal shall be sent directly to each member in accordance with Article XXIII, Section 6. Copies may be sent to any person, organization, or institution at the discretion of the General President. The General President shall be empowered to employ such help as he may need to carry on this work.

Vacancy in Office of President

Section 8(a). In case of the death, resignation, or removal of the General President, the General Secretary-Treasurer shall immediately assume the office, powers, and duties of the General President for the balance of the unexpired term, provided that the General Secretary-Treasurer was elected to that office, or to any other office on the General Executive Board which was subject to union-wide membership vote, in the most recent union-wide election conducted pursuant to Article IV, Section 2. In the event the General Secretary-Treasurer has not been so elected, the at large Vice President who received the greatest number of votes in the most recent union-wide election conducted pursuant to Article IV, Section 2, shall become General President. The General Executive Board shall have the authority to fill by appointment any vacancy resulting from such succession.

(b). In the event that the General President is temporarily unavailable during any period or periods of time, the General Secretary-Treasurer shall exercise all of the powers and duties of the office of the General President during such period or periods of temporary unavailability, except for his powers to appoint and remove which, during such period or periods, shall not be exercised without the prior approval of the General Executive Board.

(c). In the event that the General President is unable to discharge the powers and duties of his office for a period of six (6) months, the General Secretary-Treasurer shall convene a meeting of the General Executive Board for the purpose of determining if the General President is permanently unable to discharge the powers and duties of his office. Upon a determination by the General Execu-

Art. VI, Sec. 8-10

tive Board that the General President is permanently unable to discharge the powers and duties of his office, the General Executive Board shall declare a vacancy in the office of the General President which shall be filled in accordance with Section 8(a) of this Article.

The resulting vacancy on the General Executive Board shall be filled as provided by the Constitution.

Section 9. The General President shall have the authority to make expenditures from the general fund in amounts not exceeding \$25,000 for any single transaction for lobbying and other political purposes, including contributions to candidates for state, provincial, and local offices if such contributions are not prohibited by state, provincial, or local law. Expenditures exceeding \$25,000 for any single transaction shall be subject to prior approval by the General Executive Board.

Section 10. There is hereby created the position of General President Emeritus for life which is to be filled by James R. Hoffa. In addition, anything in this Constitution to the contrary notwithstanding, James R. Hoffa is hereby granted, conferred, and guaranteed good standing membership in his Local Union and the International Union for the rest of his lifetime, for all purposes, and with all rights and privileges appertaining to such membership as with any other member in good standing without distinction or discrimination upon the payment of the established dues.

He shall receive no remuneration or compensation as President Emeritus. The position of General President Emeritus shall not be considered a constitutional office, but rather a specific honor conferred upon James R. Hoffa in appreciation of his many years of devoted and tireless service to the interests of the International Brotherhood of Teamsters and its members.

Article VII

**GENERAL SECRETARY-TREASURER—
DUTIES AND POWERS**

General Duties

Section 1. The General Secretary-Treasurer shall be custodian of all of the properties, funds, securities, and assets of the International Brotherhood of Teamsters wherever located. He shall conduct all financial correspondence involving or affecting the International Union and all financial correspondence between the International Union and any affiliate or subordinate body of the International Union, and his signature shall, as a ministerial act, be required on all instruments, documents, deeds, or other papers of any nature whatsoever requiring or involving the investment of any of the funds of the International Union. The General Secretary-Treasurer shall keep a correct record of the proceedings of the Conventions of the International Union and of each meeting of the General Executive Board, preserve all important documents, papers, letters received, and copies of all important letters involving the International Union and which pertain to the functions and responsibilities of the Office of the General Secretary-Treasurer. He shall supply each delegate to the Convention of the International Union with a copy of the correct record of the proceedings of any such Convention as soon as is practicable following the Convention and shall supply each member of the General Executive Board with a correct copy of the minutes of each meeting of the General Executive Board as soon as is practicable following the meeting.

Section 2(a). The General Secretary-Treasurer shall have primary responsibility for the payment from the general fund of all financial obligations, commitments,

Art. VII, Sec. 2

and expenditures of the International Union. Requests or requirements for payments from the general fund shall be submitted to the General Secretary-Treasurer and shall be supported by written authorization in the form of statement, bill, invoice, voucher, disbursement authorization, or similar written instrument. All such requests or requirements for payment from the general fund as indicated above shall, prior to payment, be reviewed and approved as to the validity of such claim by the General President and as to the adequacy of supporting data by the General President and the General Secretary-Treasurer or by representatives duly appointed by each, provided such representatives are appropriately bonded. Following approval as set forth above, the General Secretary-Treasurer shall make payment by check under his individual signature for the following classes of financial obligations of the International Union:

- (1). Routine or recurring expenditures incurred in the operation of the General President's and the General Secretary-Treasurer's offices such as general office expenses, administrative and clerical salaries, building maintenance expenses, salaries or compensation of officers, organizers and other representatives or staff members of the International Union, including expenses of such individuals as authorized by the International Constitution, real and personal property taxes, and other types of taxes, interest payments, and all other similar regularly recurring expenses of the International Union, provided that the General Executive Board shall first have given general authorization for payment of such type of financial obligations.
- (2). Expenditures such as out-of-work benefits, or advances or payments to Trade Conferences or Divisions, Local Unions or Joint Councils, and oth-

er similar specific expenditures all of which have, prior to payment thereof, been specifically authorized by the General Executive Board or this Constitution.

(b). All expenditures from the general fund, other than those provided in 2(a) above, relating to the operation of the International Union, including, but not limited to, expenditures to further the Objects of this International Union as set forth in Article I, Section 2 herein, shall be approved by the General President and the General Secretary-Treasurer. Checks in payment of such expenditures shall be signed by the General President and the General Secretary-Treasurer. In the event of disagreement between the General President and the General Secretary-Treasurer concerning the making of any payment, the matter shall be submitted to the General Executive Board for determination, which determination shall be final and binding.

(c). The General President and General Secretary-Treasurer and all other representatives or employees of the International Union who handle any funds of the International Union or subordinate body thereof or are involved in the making of any expenditures from the general funds shall be bonded in an amount sufficient to protect the International Union.

(d). In the event that the General Secretary-Treasurer is temporarily unavailable during any period or periods of time, the General President shall exercise all of the powers and duties of the office of the General Secretary-Treasurer during such period or periods of temporary unavailability, except for his powers to appoint and remove which, during such period or periods, shall not be exercised without the prior approval of the General Executive Board.

Art. VII, Sec. 2-3

(e). In the event of the incapacity or unavailability of any person authorized by this Constitution to sign checks or documents, the General Executive Board shall designate another person to exercise such authority. This provision shall also apply to situations resulting from the operation of Article VI, Section 8 and Article VII, Section 2(d).

(f). The General Secretary-Treasurer may, without the approval of the General Executive Board, appoint and fix the salaries of an Executive Assistant to the General Secretary-Treasurer and one (1) or more Assistants to the General Secretary-Treasurer to carry out his work if he deems it necessary. The conditions of employment and fringe benefits for persons hired in these capacities shall be the same as those established by the General President in accordance with Article V, Section 1(g).

Issuance of Charter

Section 3. All charter applications must be signed by no less than seven (7) prospective members employed within the jurisdiction of the International Union, and before final issuance, must be approved by the General President, the General Secretary-Treasurer, and the General Executive Board.

All Local Union charter applications must initially be submitted to the Joint Council or to the State or Multi-State Conference (if there is no Joint Council) having jurisdiction in the area, which shall then forward such application to the General Secretary-Treasurer with an indication of whether such application has the approval or disapproval of such body. All other charter applications shall be submitted directly to the General Secretary-Treasurer. The General Secretary-Treasurer shall submit all charter applications to the General Executive Board. In determining whether to issue a Local Union charter, the

General President, the General Secretary-Treasurer, and the General Executive Board shall take into consideration, but shall not be bound by the position of the Joint Council or State or Multi-State Conference in the matter. If the General President, the General Secretary-Treasurer, and the General Executive Board approve the issuance of a charter, the General President and the General Secretary-Treasurer shall sign, and the General Secretary-Treasurer shall issue and deliver, the charter to the organization for which application for charter has been made. Such charter shall be revoked unless within thirty (30) days after the election of officers of the organization, the contract set forth below has been signed by the President and Secretary-Treasurer of such organization and returned to the General Secretary-Treasurer. Applications for revisions of existing charters shall be processed in accordance with the procedures outlined in this Section.

Charters may be issued to a Local Union, the territorial jurisdiction of which shall not be limited to any particular geographic area, upon such terms and under such conditions as the General Executive Board shall consider appropriate, notwithstanding any other provisions of this Constitution.

Affiliation with, and the issuance of a charter by, the International Union and compliance with all the provisions and requirements of this International Constitution are in no way conditioned upon the affiliation or non-affiliation of the International Union with any other organization either at the time of the issuance of a charter or subsequent thereto.

The General Executive Board shall have the authority to change the jurisdiction granted or set forth in the charter at any time in its sole discretion.

The following Charter Contract and the rights, du-

Art. VII, Sec. 3

ties, and obligations set forth therein are a part of this Constitution as though set forth in a separate Article herein:

CHARTER CONTRACT

Know all men by these presents, that I,
....., Secretary-Treasurer of
Local Union (Joint Council or other subordinate body)
....., located at, being authorized
to act for said Local Union (Joint Council or other subordinate body), in consideration of the General Secretary-Treasurer's issuing a charter to said Local Union (Joint Council or other subordinate body) hereby agree: that said charter shall remain the property of the International Brotherhood of Teamsters and in consideration of the premises herein stated, when the charter is framed, the frame shall immediately become the property of the International Brotherhood of Teamsters; that said Local Union (Joint Council or other subordinate body) shall have custody of said charter until it is demanded by some person authorized to make such demand in accordance with the International Constitution, and the charter and frame shall then be delivered to the person so authorized to demand and procure the same; and that any person so authorized may enter any premises occupied by the said Local Union (Joint Council or other subordinate body) or any of its members and take possession of and remove the said charter.

I do further recognize and acknowledge on behalf of Local Union (Joint Council or other subordinate body) that the name and all rights and privileges hereunder are granted this Local Union (Joint Council or other subordinate body) by the International Union, and that all books, documents, contracts, name,

moneys, funds, and property of any nature and description which may be obtained, accumulated, and maintained by this Local Union (Joint Council or other subordinate body) will result, be obtained, accumulated or maintained by the granting of this charter and the rights and privileges thereunder; and that therefore, in the event this charter is revoked, or this Local Union becomes defunct, all books, documents, contracts, name, moneys, funds, and property shall belong to and shall be delivered over to the International Union by it to be retained, as provided for in Article X, Sections 13 and 14 of the Constitution, until the charter is reinstated or a successor Local Union (Joint Council or other subordinate body) or Local Unions (Joint Councils or other subordinate bodies) are chartered.

I do further agree in behalf of Local Union
(Joint Council or other subordinate body) that it will abide by the provisions of the International Constitution and amendments thereto, all of which are incorporated herein by reference.

.....
By Its Secretary-Treasurer

Financial Report

Section 4(a). The General Secretary-Treasurer shall issue annually a financial report summarizing the assets and liabilities of the International Union and stating the net worth of that organization and the receipts and disbursements together with a Certified Public Accountant's statement as set forth in Section 1 of Article VIII. Such a report shall be published annually in the official Journal of the International Union. At any time a financial report is requested by the General Executive Board, the General Secretary-Treasurer shall furnish such a report consisting

Art. VII, Sec. 4-5

of a statement of assets, liabilities, and net worth of the International Union.

(b). The General Secretary-Treasurer shall furnish the Secretary of each subordinate body with a roster which shall be kept current at least semi-annually, showing the International officers, Local Unions, Joint Councils, Trade Conferences, and Divisions of the International Union.

Method of Determining Representation

Section 5(a). The General Secretary-Treasurer shall make an initial determination of the number of delegates which a Local Union may be entitled to send to the Convention by averaging the per capita tax paid on members by said Local Union for a two-year period ending eighteen (18) months prior to the first day of the month in which the Convention is convened. However, in cases of the split-off of Local Unions occurring during the two-year period, the per capita averaging for each Local Union involved shall be based upon the period beginning with the date of the split-off and ending eighteen (18) months preceding the first day of the month in which the Convention is convened. Where the split-off occurs within eight (8) months of the opening day of the Convention, and the General Executive Board, pursuant to Article III, Section 3(c), has determined that the newly chartered Local Union is entitled to full representation at the Convention, the per capita averaging for both Local Unions shall be based upon the period from the date of split-off through the month immediately preceding the Convention Call. In the event it is not possible to hold the Convention at the time prescribed by Article III, Section 1, because of an emergency, the additional per capita tax payments involved shall be taken into consideration in computing the average monthly membership for the determination of the number of dele-

gates to which the Local Union shall be entitled. (See also Article III, Section 2.)

(b). The General Secretary-Treasurer shall make a final determination of the number of delegates that a Local Union shall be entitled to send to the Convention by averaging the per capita tax paid on members by said Local Union for a two-year period ending three (3) months prior to the first day of the month in which the Convention is convened. However, in cases of the split-off of Local Unions occurring during the two-year period, the per capita averaging for each Local Union involved shall be based upon the period beginning with the date of the split-off and ending three (3) months preceding the first day of the month in which the Convention is convened. Where the split-off occurs within eight (8) months of the opening day of the Convention, and the General Executive Board, pursuant to Article III, Section 3(c), has determined that the newly chartered Local Union is entitled to full representation at the Convention, the per capita averaging for both Local Unions shall be based upon the period from the date of split-off through the third month immediately preceding the month of the Convention.

Finances

Section 6(a). The General Secretary-Treasurer shall receive moneys due from all sources and in the case of subordinate bodies shall give his receipt therefor. All moneys shall be placed in banks, depositories, or vaults approved by the General Executive Board in the name of the International Brotherhood of Teamsters.

(b). At least twenty-five percent (25%) of the assets of the International Union (exclusive of real estate, buildings, and furnishings) shall be maintained in inter-

Art. VII, Sec. 6-7

est-bearing bank accounts and short-term investments as directed by the General Executive Board.

International Auditors and Audits

Section 7(a). The books of all Local Unions, Joint Councils and other subordinate bodies may be audited to the extent prescribed by the General Executive Board at least once between Conventions by an International Union Auditor, or by a Chartered or Certified Public Accountant, as directed by the General Executive Board, under the supervision of the General Secretary-Treasurer. For that purpose, the General Secretary-Treasurer shall appoint International Auditors, and their salaries, per diem, and expenses shall be fixed in accordance with the provisions of Article V, Section 1(d), (e), and (g) the number of such Auditors to be determined by the General Executive Board. The General Secretary-Treasurer, when he deems it for the best interest of the International Union, is hereby empowered to remove any International Auditor with the approval of a majority of the General Executive Board.

(b). All subordinate bodies and joint operations, whether they be within this International Union or with other international unions, which receive any donations, advances, matching funds, or special payments of any nature from the International Union shall keep full financial records respecting same and the manner in which they are expended.

The books of every subordinate body shall be audited by a Chartered or Certified Public Accountant at least once a year. The books of joint organizing funds may be audited by a Chartered or Certified Public Accountant at the discretion of the General Secretary-Treasurer. Copies of all annual or terminal audit reports, whether prepared by an International Auditor or a Chartered or Certified

Public Accountant, shall be forwarded to the General Secretary-Treasurer. Also, all subordinate bodies must send to the General Secretary-Treasurer copies of all financial reports setting forth a statement of assets and liabilities and a statement of receipts and disbursements which are required by law. (See also Article X, Section 10.)

Notification of Local Unions in Arrears

Section 8. It shall be the duty of the General Secretary-Treasurer to notify the Secretary-Treasurer, the President, and the three (3) Trustees of the Local Union when said Local Union becomes in arrears for per capita tax.

Seals, Stamps and Supplies

Section 9(a). The General Secretary-Treasurer shall procure all seals and supplies and furnish same to all Local Unions desiring them. It shall become compulsory upon all Local Unions to procure from the International Union, with the exception of letter paper and envelopes, all supplies carried by the International Union, as listed from time to time on International Union order blanks furnished for that purpose.

(b). Individual members of Local Unions shall not have the power to duplicate the buttons or paraphernalia issued by the International Union. Permission may be granted by the General Secretary-Treasurer to subordinate bodies to procure other minor International supplies in their several localities.

Other Duties

Section 10. The General Secretary-Treasurer shall perform such other duties as are required of him by this Constitution.

Section 11. There is hereby created the honorary po-

Art. VII, Sec. 11-Art. VIII, Sec. 1-2

sition of General Secretary-Treasurer Emeritus for life which is to be filled by C. Thomas Keegel. He shall receive no remuneration or compensation as General Secretary-Treasurer Emeritus. The position of General Secretary-Treasurer Emeritus shall not be considered a constitutional office, but rather a specific honor conferred upon C. Thomas Keegel in appreciation of his many years of devoted and tireless service to the interests of the International Brotherhood of Teamsters and its members.

Article VIII

TRUSTEES AUDIT COMMITTEE

Section 1. There shall be an Audit Committee consisting of the International Trustees and an independent accounting professional selected by the Trustees with the approval of the General Executive Board. The independent accounting professional shall not otherwise be employed by the International Union; shall not perform other work for the International Union; and shall not be affiliated with a firm that performs work for the International Union. The independent accounting professional shall be paid reasonable fees and expenses as approved by the General Executive Board. These fees and expenses shall include the assistance of subordinates necessary and appropriate to assist the independent accounting professional, as determined by the Audit Committee. The Audit Committee shall have the right to engage legal and additional accounting assistance at reasonable expense with the approval of the General Executive Board. The Trustees will be afforded training necessary and appropriate to allow them to fulfill their obligations as Audit Committee members.

Section 2. The Audit Committee shall be responsible for reviewing the International Union's books and re-

cords on a quarterly basis and shall report its findings directly to the General Executive Board. The review shall include the books and records of all properties, facilities, and accounts under the control of the International Union and/or the General Secretary-Treasurer. The Audit Committee shall have the right to examine and copy all books and records necessary to perform its review.

The Audit Committee shall be responsible for reviewing the work and duties of the Union's Internal Audit Department. The Audit Committee shall communicate regularly with the Union's outside auditor, shall review the work of the outside auditor and shall insure that the outside auditor is properly performing its functions on behalf of the Union. The Audit Committee shall investigate any complaints involving the International Union's financial matters or other alleged violations of the Union's internal code of conduct and shall report its findings to the General Executive Board. The General Executive Board shall adopt an Audit Committee Charter to more fully specify the duties of the Audit Committee and an internal code of conduct for International Union officers, employees, and agents. The General Executive Board shall have the authority to amend the Charter and the internal code of conduct from time to time.

Section 3. The Trustees shall have the right to attend all meetings of the General Executive Board and shall be allowed to participate in the meetings as determined by the General President, except that they shall not have the right to vote.

Fiscal Year

Section 4. The fiscal years of the International and subordinate bodies shall commence on the first (1st) of January.

Article IX

**GENERAL EXECUTIVE BOARD—
DUTIES AND POWERS**

General

Section 1. Such powers, duties, and authority as are not otherwise delegated to the General President and General Secretary-Treasurer of the International Union shall be exercised, acted upon, and determined by the General Executive Board. The General Executive Board shall have the authority to interpret and apply the Constitution and laws of the International Union and to decide all questions of law thereunder subject to appeal to the next Convention. The General Executive Board shall have governing authority over the International Union and its subordinate bodies to the end of upholding the laws and policies of the Brotherhood as expressed in this Constitution.

Revocation and Suspension

Section 2(a). Unless otherwise provided in this Constitution, the General President or the General Secretary-Treasurer, when he deems it necessary to suspend or revoke a charter, shall immediately notify the members of the General Executive Board for their approval of same. Such action shall not be taken without notice to and hearing for the affiliate involved.

(b). Any Local Union suspended by the General Executive Board shall lose, for the period of its suspension, all privileges of the International Union.

Power to Debar From Membership

Section 3(a). In the case of the revocation or forfeiture of a charter of a Local Union, the members thereof,

without loss of continuous good standing, may be transferred to another Local Union in the area or such Local Union may be reorganized and such members may be transferred thereto. Upon such transfer the General Executive Board shall have the power, following notice and a hearing, to exclude from membership in the new Local Union persons who were in any way responsible for the revocation or forfeiture of the charter or who the General Executive Board has reason to believe are disloyal to the International Union or who may cause disruption in the newly organized Local Union.

(b). With respect to new applicants to any Local Union, the General Executive Board shall have power to deny membership in the International Union to any such applicant when it believes the interest of a Local Union or the International Union will be best served by so doing.

**Trial of Member Assaulting General Officer,
International Representative, or
International Auditor**

Section 4. Any member or number of members of a Local Union assaulting or injuring a general officer, International Representative, or International Auditor, shall be tried and, if found guilty, punished by the General Executive Board on such charge in the same manner as hereinafter provided for other trials and punishments by the General Executive Board. If he is found not guilty, his expenses to the place of the General Executive Board meeting shall be paid by the International Union. If he is found guilty, he shall be disciplined as the judgment of the General Executive Board dictates and his expenses shall not be paid. If he desires not to attend his trial, he may submit his answer or defense in writing to the Board.

Meetings of General Executive Board

Section 5. The General Executive Board shall hold quarterly meetings at such specific time and place as shall be determined by the General President. At the discretion of the General President a quarterly meeting may be held within one (1) month after the end of the quarter. Upon the written request of a majority of the General Executive Board to the General President, it shall be the duty of the General President to call a meeting of the General Executive Board within thirty (30) days. A majority of the members of the General Executive Board shall constitute a quorum for the transaction of its business.

Action When Not in Formal Session

Section 6. In all matters requiring action by the General Executive Board, and when the General Executive Board is not in formal session, the General Executive Board may act by telegram, letter, TITAN communications, electronic mail, or long distance telephone. When the General President requires action by the General Executive Board, he may obtain the same by telegraphing, writing, TITAN or electronic mailing, or telephoning to the members of the General Executive Board, and such members may take action on the matter brought to their attention in the same manner; provided, however, that whenever action is sought by any of the foregoing methods, all members of the General Executive Board shall be polled. Such action so taken by a majority of the members of the General Executive Board shall constitute action of the General Executive Board as though the General Executive Board were in formal session; provided, however, that any such action shall be confirmed at the next formal session of the General Executive Board.

Special Conventions

Section 7. Except where required by Article XXVI, Section 3, Special Conventions may be called only when two-thirds (2/3) of all of the members of the General Executive Board deem it necessary. The General Executive Board shall establish the rules and procedures for the calling and holding of Special Conventions, including the right to determine the issues that may be considered by the delegates. The General Executive Board shall identify such issues in the Notice calling a Special Convention, if appropriate.

If such Special Convention is called more than twelve (12) months before the next regular Convention, such Special Convention shall have the power to change any provision of the Constitution (subject to the provisions of Article III, Section 9 and any limitation determined by the General Executive Board pursuant to the previous paragraph) except the provision dealing with the terms of office for officers set forth in Article IV, Section 1(d) and the provisions of Article V dealing with salaries and expenses of officers. The delegates to any such Special Convention shall be those members who were delegates to the most recent Convention of the International Union.

However, if such Special Convention is called within twelve (12) months of the next regular Convention, such Special Convention shall be in place and instead of the next regular Convention, and shall have the power to take all actions that could be taken at a regularly constituted Convention. In such event, the delegates shall be elected in the manner set forth in Article III, Section 5 of this Constitution.

International Union officers, and one (1) delegate from each Joint Council and State Conference who has

Art. IX, Sec. 7-9

been appointed pursuant to Article III, Section 5(d), shall be delegates to any Special Convention and shall be entitled to all of the privileges of regularly credentialed delegates, but shall not be permitted to nominate or vote for officers at the Special Convention unless they have been elected as delegates, pursuant to Article III, Section 5.

Employment of Clerical, Technical and Professional Assistance

Section 8. The General President and General Secretary-Treasurer, respectively, shall have the power to employ or retain such clerical, technical, and professional assistance for their respective departments as each may from time to time determine. Such persons shall be paid reasonable salaries or professional fees from the general fund; salaries shall be appropriately classified so as to provide for uniformity of compensation for the general type of work in both departments.

The Executive Officers shall also have the authority to establish the conditions of employment and fringe benefits for such persons. All of the foregoing shall be subject to the disapproval of the General Executive Board, but such disapproval shall not be retroactive.

Legal Expenses

Section 9(a). The International Union is authorized to pay all the expenses for investigating services, employment of all counsel and other necessary expenditures in any cause, matter, case, or cases where an officer, representative, employee, agent, or one charged with acting on behalf of the International Union and/or its affiliates is charged with any violation or violations of any law or is sued in any civil actions (1) if a majority of the General Executive Board in its sole discretion determines that

said charges or lawsuits (a) are unfounded, or (b) are politically motivated, or (c) were filed in bad faith in an attempt to embarrass or destroy the Union or the Union officer or representative, or (2) if a majority of the General Executive Board in its sole discretion determines that the expenditures should be made.

(b). The provisions set forth in subsection (a) above shall also apply to such expenditures made by all affiliates other than Local Unions if the appropriate governing body of the affiliate in its sole discretion determines that the expenditures should be made.

(c). A Local Union is authorized to pay any and all the above expenditures in any cause, matter, case, or cases where an officer, representative, employee, agent, or one charged with acting on behalf of the Local Union is charged with any violation or violations of any law or is sued in any civil action or actions (1) if a majority of the Local Union Executive Board in its sole discretion, subject to the approval of a majority of the members present and voting at a regular meeting (or a majority of all the members present and voting at all the regular, craft, or divisional monthly meetings held in lieu of a single monthly regular meeting) determines that said charges or lawsuits (a) are unfounded, or (b) are politically motivated, or (c) were filed in bad faith in an attempt to embarrass or destroy the Union or the Union officer or representative, or (2) if a majority of the Local Union Executive Board in its sole discretion subject to the approval of a majority of the members present and voting at a regular meeting (or a majority of all the members present and voting at all the regular, craft, or divisional monthly meetings held in lieu of a single monthly regular meeting) determines that the expenditures should be made.

Retirement and Other Plans

Section 10. The General Executive Board shall have the authority to adopt, maintain, or amend any pension or health and welfare trust agreement or plan (other than plans established by Local Unions, Joint Councils, or other subordinate bodies) which it deems to be in the interest of the officers and employees of the International Union or subordinate bodies, and the families of said officers and employees, provided that no vested rights of a participant shall be impaired. The General Executive Board may also adopt other benefit plans permitted by law such as, but not limited to, prepaid legal services.

Mergers

Section 11. All mergers of subordinate bodies shall be subject to approval by the General Executive Board, and no such merger shall be effectuated until such approval has been obtained. In the event the Executive Boards of two or more subordinate bodies agree to merge, the merging Local Union shall conduct a vote of its membership, after reasonable notice, to approve the merger proposal. Upon ratification of the merger agreement by the members of the merging Local Union, the involved Local Unions shall notify the General Secretary-Treasurer of the merger proposal and provide a copy of the merger agreement, if any. The General Secretary-Treasurer shall notify the involved Joint Council of the proposed merger and solicit its recommendation prior to submitting the merger request to the General Executive Board for its approval.

The General Executive Board shall also have the power to merge Local Unions and other subordinate bodies. In exercising its discretion, the General Executive Board shall specify the terms and conditions of the

merger, taking into consideration such circumstances as the financial conditions, jurisdiction, location, and such other factors as appear appropriate in connection with the Local Unions and other subordinate bodies involved. In the event the General Executive Board determines that it would be in the best interest of the International Union and the members of the involved subordinate bodies to merge two or more Local Unions, the General Executive Board shall conduct a referendum vote of the members of the Local Union that may be merged; provided, however, that the Local Union is currently capable of servicing the membership and fulfilling its obligations as the bargaining representative. No vote need be conducted if a Local Union is not capable of performing its representational functions, due to its financial conditions or where an emergency situation exists within the Local Union. In those circumstances, the General Secretary-Treasurer shall attest to a Local Union's adverse financial condition and/or the emergency situation that requires merger and report such to the General Executive Board. The General Secretary-Treasurer may, at his discretion, report such situation to the involved Joint Council and solicit its recommendation. The General Executive Board shall approve any such merger prior to its effectuation.

Affiliations and Other Agreements

Section 12. The General Executive Board shall have full power and exclusive authority to enter into jurisdictional, no-raid, and mutual assistance agreements and arrangements with other labor organizations on behalf of the International Union for the purpose of effecting the absorption, amalgamation, merger, or affiliation of, or coordination with, other labor organizations with the International Union; and the General Executive Board shall

Art. IX, Sec. 12-13

have authority to take any and all action, without limitation, as it deems necessary to effectuate such authority.

The General Executive Board shall also have full power and exclusive authority to enter into agreements and arrangements on behalf of the International Union for the purpose of effectuating the affiliation of the International Union or its coordination with any other national or international organization or federation of labor organizations, committees, or multi-union conferences and also for the purpose of creating and/or participating in any federation of labor organizations.

Agreements entered into by the General Executive Board that effectuate the absorption, amalgamation, merger, or affiliation of another labor organization shall prevail and control over the provisions of this Constitution and shall not be subject to modification or nullification by subsequent action of any Convention. This paragraph shall not be construed to exempt any labor organization that is absorbed, amalgamated, merged, or affiliated with the International Union from any obligations imposed by law or by judicial decree.

Union Insignia

Section 13. The General Executive Board shall have full control over all marks, labels, and other insignia of the International Union, including the right to retake and repossess such marks, labels, and insignia and to change the provisions, terms, and conditions of all agreements relating to the use, printing, and issuance of marks, labels, and other insignia. The General Executive Board shall also have the right to assign from time to time any International officer to act on its behalf with respect to all marks, labels, and other insignia. All subordinate affiliates shall be subject to the orders of the General Executive Board, or its designated International officer, re-

specting the use, printing and issuance of marks, labels, or other insignia.

Article X

**REVENUES, BONDING, EXAMINATION AND
AUDITS OF SUBORDINATE BODIES,
AND DISPOSITION OF ASSETS**

Revenue

Section 1. The normal operating income of the International Brotherhood of Teamsters shall be derived as follows:

- (a). Charter fee, which includes charter, seal, and all other organization supplies, two hundred fifty dollars (\$250.00).
- (b). Sale of other supplies.
- (c). Initiation and reinitiation fees and per capita tax.

Assessments For Emergencies

Section 2. Whenever the net assets of the International Union, except the Washington, D.C. real properties, run below twenty million dollars (\$20,000,000.00) the General Executive Board shall levy an assessment of one dollar (\$1.00) per member per month on all Local Unions, until such net assets reach twenty-five million dollars (\$25,000,000.00). Any Local Union failing to pay the assessment shall not be entitled to any benefits of the International Union. After being properly notified and given a reasonable length of time, if the Local Union further refuses to pay the assessment, said Local Union shall be suspended. Any Local Union failing to pay the assessment shall not be represented at the International Convention.

**Payment of Initiation Fees, Reinitiation Fees
and Per Capita Tax**

Section 3(a). Each Local Union shall pay to the General Secretary-Treasurer the sum of two dollars and fifty cents (\$2.50) or an amount equal to fifteen percent (15%) of the amount of initiation fee or reinitiation fee collected, whichever is greater. This provision shall be effective for initiation or reinitiation fees collected on or after October 1, 2001, and the amounts set forth shall be remitted to the General Secretary-Treasurer beginning with the November 2001 per capita payment.

(b). Effective with the per capita payment for the month of July 2002, payable in August 2002, each Local Union shall pay to the General Secretary-Treasurer a per capita tax based upon the dues rates calculated in accordance with subsection (d) of this Section, as follows:

(i) per capita tax shall be paid on all members whose hourly earnings rate is eleven dollars (\$11.00) or less, regardless of the industry in which they are employed, at the rate of five dollars (\$5.00) per month;

(ii) per capita tax shall be paid on all members employed in the public sector who do not have the legal right to strike and whose hourly earnings rate is more than eleven dollars (\$11.00), at the rate of twenty-two percent (22%) of the amount of monthly dues collected calculated at two and one quarter (2.25) times the hourly earnings rate;

(iii) per capita tax shall be paid on all other members whose hourly earnings rate is more than eleven dollars (\$11.00), with the exception of Local Unions in Canada, at the rate of twenty-two percent (22%) of the amount of monthly dues collected calculated at the minimum rates established in subsection (d) of this Section; per capita tax on members of Local Unions in Canada whose hourly

earnings rate is more than eleven dollars (\$11.00) shall be paid at the rate of sixteen and one-half percent (16.5%) of the amount of monthly dues collected at two and one-half times the hourly earnings rate.

In no event shall the amount of per capita tax paid on any member be greater than: (i) the sum of five dollars (\$5.00) plus the amount by which the member's dues has increased by application of the minimum dues formulas set forth in subsection (d) of this Section or (ii) twenty-two percent (22%) of the minimum dues calculated by multiplying two and one-half times (2.5) times the member's hourly earnings rate, whichever is less.

The per capita tax received by the International Union shall be allocated on an annual basis as follows: fifteen percent (15%) shall be allocated to the Strike and Defense Fund, as provided by Article XII, Section 14(a); and ten percent (10%) shall be allocated to the Organizing Assistance Fund, as provided by Article XIII, Section 4.

The per capita tax is payable for the current month not later than the twentieth (20th) day of the succeeding month unless otherwise determined by the General Executive Board in extreme hardship cases.

Per capita tax must be paid not only on dues-paying members but also on all persons paying agency shop fees, periodic, and other service fees to the Local Union.

Persistent failure of a Local Union to comply with this subsection shall subject the Local Union to charges by the General Executive Board only.

(c). The General Secretary-Treasurer shall receipt for all initiation fees and per capita tax.

(d). Effective July 1, 1986, dues of members of the International Union, payable through their respective Local Unions, shall not be less than five dollars (\$5.00) per

Art. X, Sec. 3

month. Employees in bargaining units which are organized after July 1, 1986, and who become members after that date and whose hourly earnings rates are less than six dollars (\$6.00) per hour shall pay dues equal to one time their hourly earnings rate, but no less than five dollars (\$5.00) per month. Members whose hourly earnings rates are six dollars (\$6.00) per hour, but no more than eleven dollars (\$11.00) per hour, shall pay dues equal to two times their hourly earnings rate per month.

Effective July 1, 2002, the current rate of dues for all members whose hourly earnings rate is more than eleven dollars (\$11.00) shall be adjusted, based upon the hourly earnings rate or hourly flight pay at base rate or monthly guarantee in effect on that date, as follows:

(i) dues for members employed in an industry in which there is a legal right to strike, other than members employed as flight attendants or pilots in the airline industry, shall be increased by one-half times the hourly earnings rate; thereby establishing a minimum dues rate of two and one-half (2.5) times the hourly earnings rate;

(ii) dues for all members employed in the public sector who are not entitled legally to strike shall be increased by one-quarter times the hourly earnings rate; thereby establishing a minimum dues rate of two and one-quarter (2.25) times the hourly earnings rate;

(iii) dues for members employed as flight attendants shall be increased to achieve minimum dues of 1.125 times the hourly flight pay at base rate; and

(iv) dues for members employed as airline pilots shall be increased to achieve minimum dues of 1.56% of the monthly guaranteed salary.

All future dues adjustments shall be calculated based upon the member's hourly earnings rate, flight pay at

base rate, or monthly guaranteed salary. The dues rates shall be adjusted in order to maintain a minimum dues rate based upon the formulas set forth above. Dues shall be adjusted whenever an increase in hourly earnings, flight pay at base rate, or monthly guaranteed salary is provided in a collective bargaining agreement, to become effective the first day of the second calendar month following the month in which the increase is implemented. If a contractual wage increase is not implemented on the date provided in the collective bargaining agreement but is subsequently implemented on a retroactive basis, any resulting dues increase shall be implemented as provided above. The monthly dues of salaried officers, Business Agents, and organizers employed by the Local Union on a full-time basis, shall be equal to the highest rate of dues paid by any member of the Local Union.

Nothing herein contained shall be construed to prohibit any Local Union from adopting a dues scale higher than the one provided herein, either by continuance of established dues formulas or by Local Union action in accordance with applicable law.

The General Executive Board shall have the authority to waive any of the foregoing increases in extreme hardship cases.

The hourly earnings are the hourly wage rate plus lump sum payments where such payments are in lieu of hourly wage increases and commissions where applicable, exclusive of overtime, premium pay, or fringe benefits. When calculating the rate of monthly dues based upon the formula set forth above, the hourly earnings shall be multiplied and rounded to the nearest whole dollar.

Questions relating to the determination of the "hourly earnings" and problems which arise generally over the interpretation of this subsection shall be resolved by the

Art. X, Sec. 3-5

General Secretary-Treasurer with the approval of the General Executive Board.

(e). No Local Union shall pay a per capita tax to any subordinate body for any member of a bargaining unit which was organized after July 1, 1986, and whose dues rate is six dollars (\$6.00) per month or less.

Preferred Payment of Per Capita Tax

Section 4. All per capita tax due the International Union and chartered subordinate bodies shall have priority over any other bills or obligations of the Local Union. The order of priority shall be as follows: (1) International Union; (2) Joint Councils; (3) State Conferences; and (4) other chartered subordinate bodies.

For a Local Union or any other subordinate body to be in good standing with the International Union and other subordinate bodies with which it is affiliated, it must be current in the payment of its per capita tax and other obligations owing to the International Union and to all other subordinate bodies with which it is affiliated; provided that the good standing status of an affiliate may be restored if the outstanding obligation is deferred or waived by the body to which the obligation is owed, subject to the approval of the General Executive Board.

Payment of Dues and Fees and Receipt Therefor

Section 5(a). Any member paying his initiation fee, monthly dues, assessments, or reinitiation fees shall be provided with a receipt by the Local Union in a manner prescribed by the General Secretary-Treasurer as approved by the General Executive Board.

No other system of receipting for initiation fees,

monthly dues, assessments, or reinitiation fees will be recognized by the International Union.

(b). Every member when requested to do so by a proper representative of the International Union or subordinate body shall be required to present evidence establishing membership in good standing.

(c). All members paying dues to Local Unions must pay them on or before the last business day of the current month. Membership dues to Local Unions are due on or before the first day of the month and must be paid on or before the last business day of that month. Any member failing to pay his dues at such time shall not be in good standing for such month but may restore such good standing for such month for the purpose of attending meetings, nominating, voting, and participating in affairs of the Local Union by the payment of his delinquent dues prior to said meeting. Payment of such dues after their due date shall not restore good standing status for such month or months in computing the continuous good standing status required by Article II, Section 4 of this Constitution as a condition of eligibility for office. However, a member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.

Any member who shall be three (3) months in arrears in the payment of dues, fines, assessments, or other

Art. X, Sec. 5

charges, shall automatically stand suspended at the end of the third (3rd) month, and shall not be entitled to any rights or privileges of membership. Local Unions may provide suspension, expulsion, or other penalty for a lesser period of arrearage. Any member who has been automatically suspended for failure to pay dues and other charges shall be under a continuing obligation to pay dues during the period of his suspension. Payment of dues shall not restore good standing status if fines and other charges due are not paid. In addition to requiring the payment of delinquent dues, the Local Union may adopt a Bylaw provision requiring the payment of a reinitiation fee for entitlement to the rights and privileges of membership. The Local Union Executive Board shall have the power to waive, or reduce, on a non-discriminatory basis the payment of delinquent dues, assessments, and/or reinitiation fees. Per capita tax shall be paid on all delinquent dues and/or reinitiation fees collected.

(d). A Local Union may provide in its Bylaws for the payment of quarterly dues, provided such Bylaws are approved by the General President of the International Union. In any instance where a Local Union has provided for the payment of quarterly dues under this Section, a member, to be in good standing for each month of the quarter, must pay his dues for each quarter on or before the last business day of the first month of the quarter.

(e). A Local Union by Bylaw amendment may waive the obligation of shop stewards to pay dues, provided that the waiver shall in no way affect the eligibility of such shop stewards to run for office or their entitlement to any other rights or benefits, and further provided that per capita taxes due to the International Union and subordinate bodies shall be paid by the Local Union.

(f). The General Executive Board shall have the au-

thority to waive dues and fees owed to any Local Union where it determines that such action is necessary to resolve an administrative problem or is otherwise in the best interest of the International Union.

Order for Supplies

Section 6. All orders for supplies must be made separately on the supply order blank, and payment must be sent directly to the General Secretary-Treasurer by check or other authorized form of payment.

Bonding

Section 7(a). All officers, Business Agents, and others who handle funds and property of subordinate bodies shall be suitably bonded. The original bonds shall be retained in the files of the subordinate bodies, and copies shall be promptly forwarded to the office of the General Secretary-Treasurer. The General Secretary-Treasurer may direct an increase or decrease in the amount of bonds when he deems it necessary or advisable.

(b). The General President or the General Executive Board is empowered to suspend or revoke the charter of any affiliate or to place any affiliate in Trusteeship for failure to comply with the provisions of this Section.

Filing of Monthly Reports by Local Union Trustees

Section 8(a). If a Local Union has not provided for the payment of quarterly dues by a majority of its members, the books of the Local Union must be examined monthly by the Local Union Trustees and the Trustees shall make a monthly report of such examination on forms prescribed by the General Secretary-Treasurer. If a Local Union has provided for the payment of quarter-

Art. X, Sec. 8-9

ly dues by a majority of its members, the books of the Local Union must be examined at least quarterly by the Local Union Trustees, who shall make a quarterly report of such examination on forms prescribed by the General Secretary-Treasurer. The reports shall be forwarded to the office of the General Secretary-Treasurer by the Local Union Secretary-Treasurer and copies of the reports shall be maintained for the period of time required by law.

(b). The Trustees must sign the books of the Local Union if the Trustees have found them correct and the bank balances verified. In the event that a Trustee declines to sign the books, the Trustee must state in writing to the Local Union Secretary-Treasurer and to the General Secretary-Treasurer his reasons for declining to do so. In the event of the unavailability of a Local Union Trustee, the remaining Trustees or Trustee shall make the monthly examination of books and the monthly report.

Deposit of Money

Section 9. Subordinate bodies are autonomous and may keep their money deposited in their names in such accounts and depositories as they deem appropriate. The subordinate bodies may also invest in property, real and personal; provided, however, that all investments will be such as may be made by fiduciaries under the laws of the Commonwealth of Massachusetts. When disbursements of subordinate bodies are made by check, the check shall bear the signature of at least two (2) elected officers in the manner provided by the Bylaws of the subordinate body; when disbursements are made by cash they shall be verified by receipt or other evidence of payment.

Subordinate bodies may provide for direct and indirect loans for such purposes and with such security, if

any, as they deem appropriate and with such arrangements for repayment as they deem appropriate.

Audit of Books of Subordinate Bodies

Section 10(a). The General President or General Secretary-Treasurer at his discretion may cause the audit or examination of the books of any subordinate body at any time to the extent that he may determine, such audit to be conducted by any person so designated.

(b). Officers of a subordinate body shall give for examination to the representative delegated to conduct the audit, all books, bills, receipts, vouchers and records, bonds, securities, or other evidences of ownership to property or investments of the subordinate body whenever requested.

(c). Any officer of a subordinate body refusing to turn over the books, bills, vouchers, or records to the delegated officer shall be subject to discipline under the provisions of Article XIX, and shall be liable to expulsion by the General Executive Board. (See also Article VII, Section 7.)

(d). If the representative delegated to audit the books discovers any dishonesty or incompetency in the officers which warrants him to notify the General President and General Secretary-Treasurer, he shall do so and they shall take whatever action they deem advisable. The representatives auditing books shall make a report to the General President and General Secretary-Treasurer and shall have full power to investigate and examine all assets of the subordinate body wherever located including the right to obtain a certified balance sheet from the bank.

Arrearage in Per Capita Tax

Section 11. Where the books of a Local Union have been examined and audited and arrearages to the International Union or to any subordinate body thereof for

Art. X, Sec. 11-13

per capita tax are found, the same must be paid immediately.

Penalty for Arrearage

Section 12. Should a Local Union become six (6) months in arrears for per capita tax to the International Union or any subordinate body, the General Executive Board shall, after proper notice and hearing, either revoke or suspend the charter, or direct merger or division of the delinquent Local. The General Secretary-Treasurer shall notify all Local Unions when two (2) months in arrears, but failure to receive such notice shall not prevent the suspension of the Local Union, should it become three (3) months in arrears. A Local Union which becomes three (3) months in arrears or has been suspended for failure to comply with an order of the General Executive Board, shall have a continuing obligation to pay per capita tax during such period of suspension.

Return of Funds, Books and Property Upon Revocation or Dissolution

Section 13. When the charter of a subordinate body is revoked, the subordinate body or its officers shall be required to turn over all books, documents, property, and funds to the General President or his representative, or to the General Secretary-Treasurer of the International Union, and should a subordinate body secede, disaffiliate, or dissolve or be dissolved, or be suspended, or forfeit its charter, then all books, documents, property, and funds shall likewise be turned over to the General President or his representative, or to the General Secretary-Treasurer to be held until such time as the subordinate body may be reinstated or reorganized. If no reinstatement or reorganization occurs within a period of

two (2) years such funds shall be transferred to the general fund. However, in no event shall the International Union without its consent become liable for the obligations of a subordinate body which has seceded, disaffiliated, dissolved or been dissolved, or has been suspended, merged, or has forfeited its charter.

Expenses Incurred in Recovering Property and Funds; Reorganization

Section 14. Whenever a subordinate body secedes, disaffiliates, or dissolves, or its charter is suspended or revoked, and demand is made upon such organization or its officers to deliver to the General President or his authorized representative the records, property, and funds of such organization, and such demand is refused, then all expenses, of whatever nature, incurred by the International Union in recovering such records, property, and funds, shall be a lawful charge upon the property and funds involved, and on recovery thereof, the International Union shall reimburse itself from the property and funds recovered. All property and funds shall be held by the International Union until reorganization has been effected and shall be returned to the subordinate body when the same has been reorganized. If no reorganization is effected within a two (2) year period, then all property and funds of such subordinate body shall become the property and funds of the International Union. Reorganization shall be effected by and under the direction of the International Union.

Waiver of Per Capita Tax and Fees

Section 15. In any situation involving new organization, reorganization, new affiliation, merger, or revocation of charter, the General Executive Board is authorized to waive payment of per capita tax and any other

fees owing to the International Union by a subordinate body, and any initiation fees, dues, or other fees owing to a Local Union by any member or other person prospectively and/or retroactively, whenever the Board determines that such waiver is in the best interest of the International Union.

The General Executive Board shall have the power to waive the payment of any fees to the International Union or any subordinate body to implement any arrangement with any other international union providing for the transfer of members or the acceptance of members who may be on withdrawal card status.

Article XI

FINANCE COMMITTEE DUTIES

Section 1. There shall be a Finance Committee consisting of seven (7) members of the General Executive Board, namely, the General President, the General Secretary-Treasurer, and five (5) Vice Presidents selected by the General Executive Board. A quorum of the Finance Committee shall consist of any five (5) members thereof. The General Executive Board shall have the power to remove any selected member of the Finance Committee by a majority vote. It shall be the general function of the Finance Committee, by majority vote, to pass upon and approve all investments of the funds of the International Union, and no investment of such funds can be made without such approval. It shall, however, be the specific function of the General President and the General Secretary-Treasurer to make all investments of the funds of the International Union, subject to the subsequent approval of the Finance Committee, and the General Secretary-Treasurer shall at all times keep the General Executive Board advised of all such investments.

All investments will be such as may be made by fiduciaries by the laws of the Commonwealth of Massachusetts.

Securities purchased shall be kept in a safety deposit box or boxes or held in safekeeping by a bank or banks approved by the General Executive Board.

Section 2. Each member of the Finance Committee shall be bonded in such sum and in such manner as the General Executive Board shall require.

Section 3. The General Executive Board shall be empowered, when it deems it necessary for the maintenance, protection, and preservation of the labor movement, to make loans or advances to other labor organizations. No other loan of any nature whatsoever shall be made from funds of the International Union except upon approval of the General Executive Board.

Article XII

CONTRACT RATIFICATION, WAGE SCALES, DISPUTES OVER JURISDICTION

Ratification of Local Union Collective Bargaining Agreements

Section 1(a). When any difficulty or dispute arises between the members of any Local Union and their employers, it shall be the duty of the officers of such Local Union to use every possible means of achieving a settlement or resolution of the difficulty or dispute through the processes of collective bargaining.

(b). Members shall have the right to ratify the collective bargaining agreement negotiated by their Local Union with their employer, subject to the provisions of Sections 3 and 11 of this Article. Agreements shall either be accepted by a majority vote of those members in-

Art. XII, Sec. 1

volved in negotiations and voting, or a majority of such members shall direct that further negotiations be conducted. During negotiations, the Local Union Executive Board may order a secret ballot vote to be taken to determine whether the affected members authorize a strike or to obtain the members' views on an employer proposal. If such interim votes are conducted before the Executive Board has determined that the employer has made a final offer, a majority of the members voting shall determine the question voted upon.

The Local Union Executive Board shall determine whether an employer has made a final offer of settlement, regardless of the employer's characterization. When the Local Union Executive Board has determined that an offer is "final", such offer must be submitted to the involved membership for a secret ballot vote as hereinafter provided:

(1) If at least one-half of the members eligible to vote cast valid ballots, then a cumulative majority of those voting in favor of the final offer shall result in acceptance of such offer; and a cumulative majority of those voting against acceptance of the final offer shall authorize a strike without any additional vote being necessary for such strike authorization. In the event of a tie vote on either a motion to accept a final offer or to strike, the Local Union Executive Board shall conduct a second vote. If the result of the second vote is a tie, the Local Union Executive Board shall have the discretion to either accept the final offer or reject the final offer and authorize a strike at such time as it determines.

(2) If less than half of the eligible members cast valid ballots, then a two-thirds (2/3) vote of those voting shall be required to reject such final offer and to authorize a strike. The failure of such membership to reject the final offer and to authorize a strike as herein provided shall

require the Local Union Executive Board to accept such final offer or such additional provisions as can be negotiated by it.

(c). When the final offer has been rejected in accordance with this Section, it shall constitute authorization for a strike. The Local Union Executive Board shall have the discretion to call a strike at such time and under such terms and conditions as it may determine, recognizing that applicable law may require additional conditions to be satisfied before a lawful strike may be conducted.

Any question arising from the application or interpretation of this Section shall be decided by the General President whose decision shall be final.

**Area, Multi-Area, Multi-Employer, National,
Company-wide or Industry-wide Contracts**

Section 2(a). If a majority of the affiliated Local Unions vote to participate in area, multi-area, national, multi-employer, company-wide, or industry-wide negotiations for an area, multi-area, national, multi-employer, company-wide, or industry-wide agreement (hereinafter "master agreement"), all involved affiliated Local Unions shall comprise a multi-union unit, be bound by such vote, must participate in such master agreement bargaining and shall be bound by the agreement approved as provided below. Upon completion of negotiations by any committee designated as hereinafter set forth to engage in negotiations of a master agreement, such agreement shall be submitted to the membership involved in such negotiations for their approval or rejection as the final offer in accordance with Section 2(d) herein.

(b). If a majority of the votes cast by the involved membership approve such agreement, it shall become binding and effective upon all Local Unions involved and

Art. XII, Sec. 2

their members. Local Unions which are parties to such agreements may not withdraw from such bargaining unit except upon six (6) months' notice and for good cause shown to the satisfaction of the appropriate Committee, and approved by the General Executive Board of the International Union. The involved master committee shall have the right to relinquish entirely, or modify, in whole or in part, its authority as an agent for one or more of the involved Local Unions with respect to one or more employers involved, under such circumstances and conditions and for such reasons as it, in its sole judgment, may determine, subject to appeal to the General Executive Board by any affiliate affected adversely by such action.

If any Local Union believes that a master agreement proposal will deprive its involved members of better existing conditions of general application to all such involved members of the Local Union, it may appeal to the General Executive Board, which must give an answer to the appeal before the contract approval votes are sent out to the involved members. The General Executive Board shall have the final authority to determine whether such alleged better general conditions shall be continued or shall yield to the overall gains of the proposed master agreements. Unless mutually agreed to, no Local Union shall suffer any economic loss. Any such appeal must be filed by the Local Union prior to the mailing of the proposed agreement to the involved members for ratification. The term "economic loss" refers to wages, health and welfare and pension benefits, or other conditions of employment which directly impact on a member's earnings.

Where special riders, supplements, or agreements applicable to one or more Local Unions are separately negotiated and agreed to providing for wages, hours, fringe benefits, or working conditions, such special riders or supplements, shall first be approved by the master nego-

tiating committee before being submitted to the affected members for a vote in accordance with the provisions of Article XII, Section 1(b). In the event such a special rider or supplement is not approved by the affected members, and the master agreement is ratified, the supplemental negotiating committee shall meet with the master negotiating committee to identify the issues which resulted in the rejection of the special rider or supplement. The master negotiating committee shall assist the supplemental negotiating committee when bargaining resumes with the employer in an effort to resolve the issues. In the event the parties cannot reach a negotiated settlement, the master negotiating committee shall have the authority to determine the appropriate action to be taken, including authorizing a strike. Where further bargaining results in a revised tentative agreement, the proposal shall be submitted to the affected members for another vote in accordance with the provisions of Article XII, Section 1(b). In the event the members reject that revised tentative agreement, the master committee shall return to bargaining and attempt to address the remaining issues. If a new tentative agreement is reached, it shall be submitted to the affected members for another vote. In the event no new tentative agreement is reached, or if the members reject the new tentative agreement, the master committee shall conduct a separate strike authorization vote among the members covered by the special rider or supplement. The separate strike vote cannot be combined with the vote on any revised tentative agreement. If the affected members fail to authorize a strike utilizing the standards set forth in Section 1(b) of this Article, or refuse to strike if one is authorized by the affected members and is called by the master negotiating committee, the master negotiating committee shall have authority to accept the final offer or such additional provisions as can be negotiated. If

Art. XII, Sec. 2

the affected members authorize a strike, the master negotiating committee shall have authority to determine the time and manner in which such action shall be initiated. Once a strike has been authorized by the separate vote of the members covered by the special rider or supplement and a strike commenced, the special rider or supplement shall not take effect without approval by a majority of the votes cast by the affected members. No special supplement or rider may contain provisions which are inferior to comparable provisions in the master agreement of which the supplement or rider is a part.

When a master agreement negotiated under the provisions of this Article provides for a reopener and re-negotiation, or is voluntarily reopened during its stated term, the above voting procedure shall apply to ratification of the new terms, if any, and Section 2(d) shall apply to strike votes.

If amendments to local or area supplements or riders to a master agreement are voluntarily negotiated during the term of such agreement, such amendments must be approved by a majority vote of the members involved and affected by the amendments, regardless of job classification, voting by secret ballot. Eligibility to vote shall be determined and directed by the subcommittee or committees which negotiated the rider or supplement or the master negotiating committee, subject to appeal to the General President. Such amendment or rider also must be approved in such manner as may be specified in the master agreement.

(c). In the event any Local Union, Trade Conference or Division, or Committee negotiates an agreement which involves, affects, or relates to operations of the employer or employers within the jurisdiction of other Local Unions, Trade Conferences or Divisions, or Committees, notice of intent to execute such agreement shall be given

to the Trade Conferences or Divisions, Committees, or Local Unions involved in such other jurisdiction, who may, within ten (10) days thereafter, protest the application of such agreement in their area. Failure to file such protest after notice is given shall be considered a waiver of any objections to such agreement, but shall not be considered an acceptance of such agreement as a substitute for or in variance of, existing agreements to which the other Local Unions are parties.

In the event of protest, and if the parties cannot adjust the same, the matter shall be submitted to the General Executive Board for its determination, and no such agreement shall become finally effective as to such Local Unions until the determination by the General Executive Board.

All provisions of Section 2(b) and (c) of this Article shall be equally applicable to company-wide negotiations and agreements negotiated on an area, multi-employer, multi-state, multi-area, or national basis.

(d). Those affiliates of the International Brotherhood of Teamsters which are named by the General President for such purpose, shall designate such number of representatives of such organizations as shall be established by the General President to comprise the negotiating committees which shall represent those affiliates and/or their constituent bodies in establishing the procedures for, and the negotiations of, master agreements, and for submission of such negotiated master agreements to the membership involved by the proposed agreement for approval or rejection, and to do all things necessary to implement the enforcement of such agreements and compliance by Local Unions with the provisions of this Article and the procedures established thereunder.

In circumstances where the General President deems it necessary, the General President shall have the author-

Art. XII, Sec. 2

ity to appoint the Union Chairperson of any joint arbitration and grievance panel provided for by master agreements, including any supplements, addenda, riders, and any other agreements established pursuant to and/or made part of any master agreement. In such circumstances, the General President, in his discretion, may consider recommendations for such positions made by Local Unions and other affiliates whose members are covered by any such agreement. The General President, as such and in his capacity as Chairperson of any national negotiating committee, is authorized to do all things necessary to implement this provision.

Local Unions and other affiliates with members covered by master and supplemental agreements may recommend representatives to the General President to consider for appointment to any negotiating committee constituted in connection with such agreements. The General President shall appoint the representatives to all committees that negotiate master and supplemental agreements, and shall appoint the Chairperson in circumstances where the General President deems it necessary.

Such negotiating committee may order, during negotiations, a secret ballot strike vote to be taken on such basis as it shall determine. Such vote shall be conducted in the manner as provided in accordance with this Section.

When in the judgment of the negotiating committee the involved employer has made a final offer of settlement, such negotiating committee shall have the authority, with the approval of the General Executive Board, to conduct agreement ratification votes and strike votes on such area, multi-area, multi-employer, national, company-wide, industry-wide, or Local Union basis as the committee shall determine, except that no such final offer shall be considered to be a contract offer subject to ratifi-

cation by the membership until it has been reviewed by the Local Unions which are the bargaining representatives of the involved members. In the event a strike is authorized, the said committee shall have the authority, with the approval of the General Executive Board, to direct that the strike be conducted on such area, multi-area, multi-employer, national, company-wide, industry-wide, Local Union, or such other selective basis as the committee shall determine. Results of ratification or rejection votes with respect to master agreements shall be determined by all involved voting members on a cumulative basis of all votes cast as follows:

- (1) If at least one half of the members eligible to vote cast valid ballots then a cumulative majority of those voting in favor of the final offer shall result in acceptance of such offer; and a cumulative majority of those voting against acceptance of the final offer shall authorize a strike without any additional vote being necessary for such strike authorization. A tie vote shall be resolved as provided in Section 1(b)(1) of this Article.
- (2) If less than half of the eligible members cast valid ballots, then a two-thirds (2/3) vote of those voting shall be required to reject such final offer and to authorize a strike. The failure of such membership to reject the final offer and to authorize a strike as herein provided shall require the negotiating committee to accept such final offer or such additional provisions as can be negotiated by it.

Once a strike is called, a contract thereafter may be accepted by a majority vote of the involved members voting either by secret ballot or by mail referendum as directed by the bargaining committee. Any question arising from the application or interpretation of this Section shall

Art. XII, Sec. 2

be decided by the General President, whose decision shall be final.

(e). If an employer whose employees are represented in, or affected by bargaining for a master agreement makes a proposal which, in the opinion of the negotiating committee, or its duly authorized subcommittee, is not acceptable because not reasonably consistent with, or such employer insists on terms and conditions which are unacceptably inferior to, the standards set forth in a master agreement already approved as a result of votes conducted under this Section among all involved employees, including that employer's own involved employees, the negotiating committee, as agent of the Local Unions involved, may reject such proposal as contrary to the best interests of all involved employees. Such negotiating committee may, with the approval of the General Executive Board, authorize a strike of such employer's involved employees to maintain existing standards, attain approved standards, or to protest unfair labor practices of such employer, without any additional vote.

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

If it should appear to the negotiating committee that

the process of ratifying by mail referendum ballot a final offer of settlement of a proposed master agreement involving more than one Local Union while a strike is in progress, which final offer carries a recommendation for acceptance by the negotiating committee, shall take a period of time which would impose unnecessary hardships on the strikers, the negotiating committee, with the approval of the General Executive Board, may direct the temporary suspension of such strike until the vote on acceptance or rejection is completed. If the final offer of settlement is rejected, the negotiating committee, with the approval of the General Executive Board, may order the resumption of such strike without a vote.

The negotiating committee shall also have the authority, with the approval of the General Executive Board, to temporarily suspend or terminate a strike on such area, multi-area, multi-employer, company-wide, industry-wide, national, Local Union, or such other selective basis as the Committee shall determine, without the vote of the involved employees and although no agreement may have been reached.

(f). The General President, with the approval of the General Executive Board, shall also have the authority to take the actions set forth in the above Sections 2(d) and (e) when it shall appear to him that such action is necessary. If such action is taken by the General President, with the approval of the General Executive Board, it shall supersede any authority of the negotiating committee.

All employers negotiating agreements with multi-union, multi-state, area, multi-area or national conferences, trade divisions or committees established hereunder, or with subordinate bodies, shall be provided with a copy of this Article at the time negotiations are started so

Art. XII, Sec. 2-4

they will have notice of the approval necessary for a binding agreement.

Sections 2 and 3 of this Article shall be broadly interpreted to carry out the intent and purpose of permitting master negotiations and master agreements in any industry in which the International Brotherhood of Teamsters shall determine.

Section 3. An area, multi-area, national, multi-employer, company-wide, or industry-wide agreement covering members in the building and construction industry shall be ratified by majority vote of the Local Unions having and exercising jurisdiction over the work covered by the agreement, with designated representatives of said Local Unions casting the vote of their respective Local Unions. If a majority of the Local Unions voting through such representatives approves such agreement, it shall become binding and effective upon all Local Unions involved and their members. When in the judgment of a majority of the representatives of the involved Local Unions, an employer has made a final offer of settlement, such offer must be submitted to the representatives of the involved Local Unions and can be rejected by a majority of the representatives of the involved Local Unions voting or responding to a referendum mail ballot. Such a rejection shall constitute authorization for a strike.

Section 4. Prior to a Local Union becoming involved in a strike, boycott, lawsuit, or any serious difficulty, such Local Union shall immediately notify the Joint Council of which it is a member of any contemplated action, setting forth the action contemplated and the nature of the difficulty. The Joint Council shall then take steps to approve or disapprove such contemplated action. The Joint Council shall notify the General President of the steps it has taken in respect to such contemplated action. The

General President is authorized to approve, disapprove, or modify the action of the Joint Council. Approval, disapproval, or modification of the action of the Joint Council, Local Union, or a master negotiating committee by the General President shall not operate to impose any liability on the International Union or its officers or to make them parties to any such action. The International Union does not assume any liability of any nature to any person or persons simply by reason of such approval, disapproval, or modification. In taking any action under this Article the International Union is not required and does not undertake to inquire into or pass upon the legality of any strike, work stoppage, or lockout under contracts or applicable state, provincial, or federal law and assumes no responsibility in this respect.

Section 5. The General President and the General Secretary-Treasurer may expend any funds of the International Union in payment of any and all expenses and to provide such services of the International Union, without limitation, deemed by them, in their sole discretion, to be appropriate to accomplish the negotiation, administration, and enforcement of master agreements by the representatives of the affiliated organizations involved.

Section 6. The General Executive Board is empowered to amend, delete, or add to this Article if at any time it believes such action will be in the interests of the International Union or its subordinate bodies.

Protection of Standards

Section 7 (a). Two (2) copies of proposed collective bargaining agreements with a company in an industry in which there is an area standard established by pre-existing agreements, or amendments thereto, shall be submitted to the Joint Council for approval before submission to

Art. XII, Sec. 7-8

the employer or members for ratification. The Joint Council may also direct any affiliate to submit two (2) copies of any proposed collective bargaining agreement for review, under such condition as the Joint Council determines. If no Joint Council exists, proposals shall be submitted to the State Conference for its approval. In those cases where the proposed agreement is for operations which are already subject to an area-wide agreement, or a prospective area-wide agreement is already planned, the proposed agreement shall be submitted to the Director of the appropriate Trade Conference or Division for approval before submission to the employer or members for ratification.

(b) Where multiple Local Unions have negotiated contracts with a company that collectively establish a standard for wages, conditions of employment or protection of employee rights, a Local Union negotiating a contract with that company shall submit a copy of a proposed contract to the Director of the appropriate Trade Conference or Division for approval before submission to the members for ratification. The Director shall determine whether acceptance of the proposed contract will adversely affect the conditions established by the existing collective bargaining agreements, or imperil the ability of other affiliated Local Unions to maintain the existing contractual conditions. In the event the Director determines that a proposed collective bargaining agreement would have such an adverse effect on existing contracts or affiliates, the Director shall notify the General President and may direct the Local Union to refrain from submitting the proposed agreement to the members for ratification.

(c) Local Unions shall advise the employer in writing of the provisions of this Section at the start of bargaining.

Section 8. Subordinate bodies shall send to the Eco-

nomics and Contracts Department of the International Union copies of all completed collective bargaining agreements, or amendments or extensions thereof, within sixty (60) days of execution together with a list of names and locations of employers and the number of employees covered by such agreements.

Each subordinate body shall, as of January 1 of each year, submit to the Economics and Contracts Department of the International Union a list of agreements in effect, showing the name of the employer or employers parties thereto, location or locations, and the expiration date.

Section 9. Approval or disapproval by the International Union, Trade Conference or Division, or Joint Council of wage scales or other agreements is not intended to impose any liability on such organization or its officers; and such organization and its officers do not assume any liability of any nature to any person or persons for such approval or disapproval.

Section 10. In such instances where the General President receives information of the proposed execution of an agreement which affects the interests of either the members involved or any other members of the International Union by providing working conditions or earnings less than those prevailing in the area, or with a particular company, or otherwise erodes the protections of employee rights embodied in existing collective bargaining agreements as set forth in Section 7(b), he shall have the power to direct the subordinate body to refrain from executing such agreement, and in such circumstances no proposed agreements shall become valid and binding unless specifically approved by the General President. When such action is contemplated or taken, the employers involved shall be promptly notified of the necessity of specific approval by the General President

Art. XII, Sec. 10-11

before the agreement involved may become valid and binding. A decision by the General President pursuant to this Section may be appealed to the General Executive Board by the Local Union that has negotiated the proposed agreement.

The General Executive Board shall also have the power to take such disciplinary action as it deems necessary, after proper notice according to this Constitution, against either the Local Union or its officers, including without limitation, the imposition of a trusteeship or a transfer of the Local Union's jurisdiction, in those cases where it finds that a subordinate body or its representatives have without cause executed agreements which adversely affect members of this International Union. Where the General Executive Board has transferred jurisdiction pursuant to this Section, the Local from whose jurisdiction the employer has been removed shall assist the Local into whose jurisdiction the employer has been transferred to obtain recognition by the employer and any necessary authorizations from the affected members. Failure of the Local Union from which jurisdiction has been transferred to cooperate with the new Local Union shall be considered non-compliance with the General Executive Board's decision.

Local Unions shall advise the employer in writing of the provisions of this Section at the start of bargaining.

Section 11. The provisions of this Constitution requiring ratification votes of collective bargaining agreements shall not apply in situations involving purchases, acquisitions, transfers, or mergers where modifications in the surviving collective bargaining agreement are made by the negotiating committee for the transitional phase of the transaction, not to exceed the balance of the term of the surviving collective bargaining agreement, in order to accommodate the integration of operations

brought about by the purchase, acquisition, transfer, or merger.

Payment of Benefits

Section 12. The General Executive Board shall have the power to pay out the entire treasury of the International Union to a Local Union that is on strike where the General Executive Board has recognized the strike as one properly subject to the payment of the constitutional benefits provided for herein.

Approval of General Executive Board

Section 13. Any Local Union going out on strike without prior recognition thereof by the General Executive Board (or by the General President or his authorized representative where less than two hundred (200) employees are involved) as being a strike properly subject to the payment of out-of-work benefits, under the provisions of this Constitution, may be denied financial benefits from the International Union provided for by this Constitution.

Out-of-Work Benefits

Section 14(a). There shall be established a dedicated Strike and Defense Fund, assets of which shall be utilized to support members engaged in collective action to obtain recognition, obtain and/or protect wages and benefits through the negotiation of collective agreements, enforce collective bargaining agreements, and/or members who have been locked out by their employers. Fifteen percent (15%) of the annual per capita tax paid in accordance with Article X, Section 3(b), excluding the amount of per capita tax paid on members in Teamsters Canada and members employed in the public sector who do not have the legal right to strike, shall be transferred to the Strike

Art. XII, Sec. 14

and Defense Fund. The General Secretary-Treasurer shall adopt procedures for maintaining and administering the separate Strike and Defense Fund, subject to the approval of the General Executive Board.

Out-of-work benefits in strikes recognized as properly subject to the payment of out-of-work benefits or relief in cases of lockouts, etc., shall be paid to all members not in arrears for dues in excess of one (1) month and otherwise in good standing, who are members of a Local Union not more than one (1) month in arrears in per capita tax, at the rate of five (5) times the dues rate upon which per capita tax is calculated, with a minimum benefit of one hundred fifty dollars (\$150.00) per week. Such out-of-work benefits will be payable at the end of the eighth (8th) day of a strike or lockout on a daily pro-rated basis until the fourth (4th) day of the second (2nd) week of the strike or lockout, after which, in the case of a strike or lockout that continues longer than eleven (11) days, a full week's benefit shall be paid, except that in the last week of a strike or lockout ending before the fourth (4th) day of the week, benefits shall be paid on a daily pro-rated basis. A dues arrearage of not more than one (1) month, and current dues shall be deducted from the first (1st) payment of benefits and fully credited to the member or members so in arrears so as to maintain such member or members in good standing and preserve his or their rights, if any, to financial benefits. All eligible members shall be entitled to the out-of-work benefits provided for herein for such a period of time as the General Executive Board shall determine.

(b). A Local Union may adopt a Bylaw provision reducing the monthly dues of a member who is on strike for two (2) weeks or more during a calendar month. In no event may the dues be reduced below the minimum dues being paid to the Local Union.

(c). The provisions of Sections 14, 15, 16, and 17 of this Article shall not be applicable to strikes or lockouts in Canada. Members of Canadian affiliates shall receive out-of-work benefits as provided in Article XXVI of the Constitution and Article VII of the Bylaws of Teamsters Canada.

**Requirement for Payment of
Out-of-Work Benefits**

Section 15(a). No Local Union shall receive benefits from the International Union unless the Local Union has been six (6) months in good standing; provided, that Local Unions chartered for a period of six (6) months or less prior to applying for benefits must have been in continuous good standing from the time of their chartering in order to be eligible for benefits. Benefits shall be paid to all other member employees of the primary employer at all terminals or places of employment of the primary employer involved if such member employees shall have become unemployed as a direct result of a strike involving other Teamster member employees which strike has been approved pursuant to Section 13, and benefits shall also be paid to member employees of an exclusive Contract Hauler employer if such member employees shall have become unemployed as a direct result of a strike involving other Teamster member employees of customers of the exclusive Contract Hauler; provided, the General Executive Board or the General President was advised of the possibility that such member employees might become unemployed as a direct result of such a strike, and provided further, the General Executive Board or the General President shall have approved the payment of benefits to such member employees at the time of approving the request for benefits. The General Secretary-Treasurer may at his discretion dis-

Art. XII, Sec. 15

burse benefit payments through a representative designated by him.

(b). A Local Union more than one (1) month in arrears for per capita tax or any other obligation payable to the International Union, Joint Council, Local Union, or any other subordinate body, shall not be entitled to benefits; and should a Local Union become three (3) months in arrears for per capita tax, or any other obligation as above set forth, it shall stand suspended and shall not be entitled to benefits for three (3) months after all arrears have been paid.

(c). No member of a Local Union on strike shall be entitled to weekly benefits unless he reports to the proper officers of the Local Union or International Union as prescribed by the Executive Board, and no member who shall receive a week's work (three (3) days to be considered a week) shall receive benefits. Any member refusing to work for an employer considered fair, while on strike, shall be debarred from all benefits.

(d). Notwithstanding the provisions of this Constitution, the General Executive Board (or the General President if less than two hundred (200) employees are involved) may authorize the payment of out-of-work benefits in any case where it determines that such payment is in the best interest of the International Union.

(e). Notwithstanding the provisions of this Constitution, out-of-work benefits may be paid to employees who have designated the International Union or a subordinate body as their collective bargaining agent in connection with organizing campaigns, even though the employees have not yet become members; subject, however, to the condition that there is otherwise full compliance with all other applicable provisions of the International Constitution concerning the payment of out-of-work benefits.

Any out-of-work benefits paid under this subsection shall be paid at a minimum rate of one hundred fifty dollars (\$150.00) per week.

(f). Prior to submission to the International Union, all requests for the approval of out-of-work benefits shall be submitted to the appropriate Joint Council, and the appropriate International Vice President or International Trustee for their recommendation as to whether the request should be approved or disapproved. The recommendations of the Joint Council and International Vice President or International Trustee shall not be binding upon the General Executive Board, nor shall such recommendations be binding upon the General President in situations in which less than two hundred (200) employees are involved.

Reports

Section 16(a). Concurrent with the request for approval of benefits in the event of strike or lockout, the Local Union Secretary-Treasurer shall send to the General Secretary-Treasurer a list of all members that the Local Union has determined will be eligible for the first week's benefits.

(b). The Local Union Secretary-Treasurer shall immediately notify the General Secretary-Treasurer of the beginning date of a strike or lockout. The General Secretary-Treasurer shall, on or about the end of the second (2nd) week and each succeeding week of strike or lockout, forward to the Local Union Secretary-Treasurer or his deputy checks to pay each member's weekly benefits, and he shall also furnish the Local Union with sheets in duplicate, listing all members declared eligible by the Local Union Secretary-Treasurer.

(c). The Local Union Secretary-Treasurer or deputy shall require each member to sign on the provided list for

Art. XII, Sec. 16-17

the amount he has received and shall then forward the original copy of the executed list to the General Secretary-Treasurer, retaining a carbon copy of the same in the Local Union's files. Any additions to or deletions from the original list of persons eligible for benefits for the next week shall be separately submitted.

(d). Receipt of properly executed lists in due time at the office of the General Secretary-Treasurer shall be an obligation of the Local Union, and subsequent payment to the Local Union by the International Union shall be contingent thereon.

(e). The Local Union Secretary-Treasurer shall immediately notify the General Secretary-Treasurer of the termination date of strike or lockout.

(f). Failure on the part of any Local Union to comply with the requirements set forth in this Section will be sufficient cause for discontinuance of payment of benefits to a Local Union.

(g). If at any time during or after a strike the General Secretary-Treasurer determines that out-of-work benefits have been distributed in a manner inconsistent with the procedures established in this Article, the Local Union shall be liable for the return of any improperly distributed benefits to the International Union.

Termination of Benefits

Section 17. The General President with the concurrent approval of three-fourths (3/4) of the General Executive Board, and after having given the subordinate body the right to appear before, or make a written submission to, the General Executive Board before action is taken, shall have the power to terminate the financial aid of the International Union when satisfied upon facts and infor-

mation in their possession that the support of a strike or lockout should cease.

Return of Unused Funds

Section 18. All moneys from the International Union remaining unused by the Local Union at the close of the strike or lockout shall be returned at once to the General Secretary-Treasurer.

Lockout

Section 19. Among other circumstances, a declaration on the part of an employer, or a combination of employers, to the effect that their employees must cease their connection with the International Union or cease work, shall be deemed a lockout. Also a lockout shall be deemed to exist when an employer refuses to permit his employees to continue at work unless such employees agree to a substantial and material breach of an existing agreement or refuses to permit work with or without stated reasons or conditions. In case a lockout is reported to the International Union, the General President, subject to the right of the Local Unions involved to appeal to the General Executive Board, shall have the authority to make a ruling on whether the difficulty is a bona fide lockout. In the event of a lockout, out-of-work benefits shall be paid under the same terms and conditions as set forth in Article XII, Section 14, excepting that neither strike votes nor prior notice to the International Union shall be required as a condition of eligibility and such out-of-work benefits shall be payable at the end of the second week of the lockout. Out-of-work benefits shall be paid to all other employees of the primary employer at all terminals or places of employment of the primary employer if such member employees shall have become

Art. XII, Sec. 19-21

unemployed as a direct result of a lockout, as defined in this Section, directed against other Teamster member employees of the primary employer. Out-of-work benefits shall also be paid to the employees of an exclusive Contract Hauler employer if such member employees shall have become unemployed as a result of a lockout, as defined in this Section, directed against any other Teamster member employees of customers of the exclusive Contract Hauler.

Section 20. Nothing herein contained concerning the manner of calling strikes or concerning the legality of strikes for the purpose of obtaining the payment of International Union out-of-work benefits shall affect the legality of the strike in respect to the employer against whom the Local Union instituted such strike; nor shall any provision contained herein concerning strike recognition for payment of out-of-work benefits be intended to constitute the International Union a party to such strike or lockout.

In approving the payment of out-of-work benefits under any section of this Article XII the International Union is not required and does not undertake to inquire into, or pass upon, the legality of any strike, work stoppage, or lockout under contracts or applicable state, provincial, or federal law and assumes no responsibility in this respect.

Disputes Over Jurisdiction

Section 21. Where two (2) or more Local Unions are in dispute concerning jurisdiction, there shall be no work stoppage of the involved operation, but such controversy shall be submitted for determination to the Joint Council Executive Board. The Joint Council Executive Board shall conduct a hearing into any jurisdic-

tional dispute in accordance with the provisions of Article XIX of this Constitution. If any party to such dispute is aggrieved by the decision of the Joint Council Executive Board, it may appeal to the General President for the appointment of a special committee which in his discretion he may appoint for the purpose of holding a hearing and making a report and recommendations on the issues raised. Appeals from the decision of the Joint Council must be filed within fifteen (15) calendar days from the date the decision is placed in the mail or otherwise transmitted to the interested parties. The committee shall make its report and recommendations to the General Executive Board for its decision, which shall be final and binding. The parties shall not be entitled to any further hearing or appearances before the General Executive Board. Pending, and as a condition to, appeal and until such time as the General Executive Board makes its decision, any party taking an appeal under this Section shall comply with the decision of the Joint Council Executive Board unless the General President or General Executive Board stays the effectiveness of the decision of the Joint Council Executive Board pending appeal. There shall be no appeal to the Convention from the decision of the General Executive Board.

Where two (2) or more Local Unions involved in a dispute concerning jurisdiction are affiliated with different Joint Councils, such controversy shall be submitted for determination to the General Executive Board.

In any dispute or appeal to the General Executive Board under this Section, the General President, in his discretion, may appoint a special committee to hold a hearing and make a report and recommendations to the General Executive Board on the issues raised.

Every member of a Local Union, as a condition of be-

Art. XII, Sec. 21-22

coming and remaining a member, acknowledges the right of the Joint Council or General Executive Board, in resolving a jurisdictional dispute, to transfer him from one Local Union to another.

Any Local Union violating this Section and engaging in any strike or work stoppage or refusing to comply with the decisions so rendered in accordance with this Section, shall be subject to the appointment of a Trustee, revocation of charter, or such other penalty which the General Executive Board may propose.

This Section shall be applicable to any Local Union that does not appeal to the General Executive Board but fails or refuses to comply with a jurisdictional award rendered against the Local Union by the Joint Council Executive Board.

The General Executive Board, in its discretion, shall have the authority to decide jurisdictional disputes on the basis of written submissions without the conduct of a hearing.

Any decision rendered in accordance with the procedures set forth in this Section shall take precedence over any arbitration award or decision of a joint grievance committee.

Government Employees

Section 22. Local Unions having members who are employed by any government, governmental agency, or authority shall not, in their relationship to such government, governmental agency, or authority, engage in any strike or other union activities which are prohibited by the law of such government, governmental agency, or authority.

Parties to Contracts

Section 23. No subordinate body shall purport to make the International Union or any other subordinate body a party to, or refer to it as a separate entity in, any collective bargaining or other agreements without the express written consent of the authorized officers of the International Union or of the other subordinate body.

Article XIII

ASSISTANCE TO LOCAL UNIONS

General Assistance to Local Unions

Section 1. No Local Union shall receive financial assistance from the International Brotherhood of Teamsters unless the Secretary-Treasurer of said Local Union has been bonded in accordance with the provisions of this Constitution.

Assistance from Sister Local Unions

Section 2. All Local Unions affiliated with the International Brotherhood of Teamsters, soliciting financial aid or other monetary consideration from sister Local Unions, must first receive official approval and endorsement from the General President.

Public Services Assistance Fund

Section 3. The General Executive Board may, in its discretion, within the limits of the law, assist Local Unions representing public employees in their relationship with their public employers, which assistance may include lawful financial support for organizing activities and the collective bargaining and disputes settlement processes. To accomplish this purpose, a fund shall be established which shall be known as the Public Ser-

Art. XIII, Sec. 3-4-Art. XIV, Sec. 1

vices Assistance Fund. The Executive Officers, with the approval of the General Executive Board, shall allocate moneys for such Fund and shall determine the basis for disbursement.

Organizing Assistance

Section 4. There shall be established an Organizing Assistance Fund to provide resources to support organizing activities of the International Union and affiliated subordinate bodies. Ten percent (10%) of the annual per capita tax paid pursuant to Article X, Section 3(b), exclusive of per capita tax paid on Canadian members, shall be allocated to the Organizing Assistance Fund. The General Executive Board shall establish criteria for disbursing funds, which shall ensure that resources are devoted to the organization of employees.

Article XIV

CHARTER MEMBERS AND MEETINGS OF LOCAL UNIONS

Section 1(a). Charter members shall consist of the names forwarded to International Union headquarters with the application for charter.

(b). The first money received from an applicant for membership must be applied to the payment of dues for the month in which the applicant is first obligated to pay dues. If a Local Union permits an applicant to pay an initiation fee on a deferred basis, the installment payments must be allocated to first satisfy the member's dues obligation. Membership for new members shall date from the first month for which dues are paid, provided the member has signed a checkoff authorization permitting the initiation fee to be withheld from earnings. If no dues checkoff authorization is signed, membership shall date

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

(c). A Local Union by majority vote may keep its charter open for a term of thirty (30) or sixty (60) days after receiving the same.

Meetings

Section 2(a). Membership meetings shall be general or special.

- (1). General membership meetings shall be held monthly at such place and time as shall be designated by the Local Union Executive Board, subject to disapproval by the membership, except where otherwise approved by the General Executive Board. The General Executive Board shall establish such conditions relative to the holding of meetings as in its judgment it deems advisable. Membership meetings may be suspended during any three (3) months between June and October by action of the membership at a meeting after reasonable notice of the intention to vote upon such question.
- (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 Local Union Bylaws and the rules and regulations adopted by the Local Union Executive Board pertaining to the

conduct of meetings, but no member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or instigate any conduct which would interfere with the Local Union's performance of its legal or contractual obligations.

- (3). The Local 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 members. 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, but such member shall be permitted to vote only at such separate division, craft, or place of employment meeting to which he has been assigned. Membership meetings permitted under this subsection shall be subject to all of the requirements of Section 2(a)(1) and (2) above.

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

On all matters which apply to the general membership, the votes of the meeting of each particu-

lar division, craft, or place of employment shall be totaled to determine the action of the Local Union in such matter.

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

- (4). In order to conduct official business at meetings required by this Section, the Local Union must have sufficient members and/or officers in attendance to satisfy the quorum requirement in the Local Union Bylaws; provided, however, that a quorum shall not be necessary for a Local Union to conduct a meeting for the purpose of accepting nominations for officers.

(b). Any Local Union failing to comply with this Section during the twelve (12) month period immediately preceding application for benefits or, in the case of a Local Union chartered for less than twelve (12) months, during the period following its chartering, shall not be entitled to any financial or other benefits from the International Union; provided that the General Executive Board may, for good cause shown, waive the requirements of this Constitution in respect to the paying of financial or other benefits and authorize the paying of same. The General Executive Board may revoke the charter of any Local Union failing to comply with this Section.

Art. XIV, Sec. 3-Art. XV, Sec. 1

Section 3. Every member covered by a collective bargaining agreement at his place of employment authorizes his Local Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer governing terms and conditions of employment and to act for him and have final authority in presenting, processing, and adjusting any grievance, difficulty, or dispute arising under any collective bargaining agreement or out of his employment with such employer in such manner as the Local Union or its officers deem to be in the best interests of the Local Union, all subject to Article XII and other applicable provisions of the International Constitution relating to such matters. The Local Union and its officers, business representatives, and agents may decline to process any grievance, complaint, difficulty, or dispute if in their reasonable judgment such grievance, complaint, or dispute lacks merit. The provisions of Article XII, relating to area, multi-area, national, company-wide, or industry-wide contracts, shall supersede any provision of this Section.

This Section is neither intended, nor shall it be construed, to require a member who is not covered by a collective bargaining agreement to authorize a Local Union to act as his exclusive bargaining representative.

Article XV

JOINT COUNCILS

Formation of Joint Councils

Section 1(a). Whenever three (3) or more Local Unions are located in one (1) city they shall form a Joint Council, but where there are only a few Local Unions in small cities or towns adjoining or adjacent to large cities, they shall affiliate with the Joint Council in the large cities.

(b). In localities composed of small cities and towns, the General Executive Board shall decide when, where, and by whom Joint Councils shall be formed. Should any dispute arise as to the jurisdiction of a Joint Council, it shall be decided by the General Executive Board.

(c). Whenever, in the judgment of the General Executive Board, the jurisdiction of a Joint Council should cover a wider area, the General Executive Board may so order.

(d). Whenever, in the judgment of the General Executive Board, it is not feasible to have Joint Councils in a state or states, the General Executive Board may establish a State or Multi-State Joint Council with which the Local Unions in the state or states must affiliate. Whenever the words "Joint Council" appear in other sections of this Constitution, they shall mean Joint Council or State or Multi-State Joint Council and include State or Multi-State Conferences in all matters relating to disputes and appeals where there is no chartered Joint Council.

(e). The provisions of the Constitution governing the hearing of disputes and appeals by Joint Councils shall also apply to those State or Multi-State Councils where there is no chartered Joint Council.

Representation

Section 2(a). Each Local Union shall be entitled to seven (7) delegates excluding its Business Agents.

(b). The seven (7) executive officers of each Local Union shall constitute the delegates to the Joint Council. Business Agents shall be entitled to the floor but cannot introduce a motion or vote.

(c). Any delegate to the Joint Council who does not attend at least twenty-five percent (25%) of the regularly

Art. XV, Sec. 2-4

scheduled meetings of the Joint Council in any one calendar year, unless excused by a majority of the delegates of the Joint Council present and seated, shall be disqualified as a delegate to the Joint Council for the balance of his term of office in the Local Union.

(d). Any complaint, protest, or charge by any delegate concerning the conduct of a Joint Council election shall be made to the General President in writing within forty-eight (48) hours setting forth the exact nature and specifications of the complaint, protest, or charge and his claim as to how it has affected the outcome of the election. The General President shall decide such complaint, protest, or charge. The decision of the General President may be appealed to the General Executive Board from whose decision there shall be no further appeal.

Per Capita Tax

Section 3. Local Unions shall pay to the subordinate bodies with which they are affiliated the monthly per capita tax and assessments which shall be determined by the subordinate bodies in accordance with their Bylaws and such payments shall be made no later than the twentieth (20th) day of the succeeding month. However, no subordinate body shall collect per capita from any affiliated Local Union for any members in bargaining units which were organized after July 1, 1986, and whose dues rate is six dollars (\$6.00) per month or less.

Judicial Power

Section 4. Joint Councils shall have full power to adjust all questions of jurisdiction between Local Unions subject to the provisions of Article XII, Section 21, to try cases against Local Unions, cases appealed

from Local Unions, appeals by members, and to try individual cases which Local Unions refuse or neglect to try in accordance with the trial procedure provided for in Article XIX.

Joint Council Bylaws

Section 5. A Joint Council shall make such Bylaws as it deems proper, provided they do not conflict with the laws of the International Brotherhood of Teamsters. Such Bylaws and amendments shall be submitted to the General President for approval. As provided in Article VI, Section 4, Bylaws and amendments thereto, shall be effective upon approval by the General President, except where the General President determines that it is appropriate to approve Bylaws, or amendments thereto, on a retroactive basis to effectuate amendments adopted in accordance with the existing Bylaws. In no event shall Bylaws, or amendments thereto, be approved to a date before they were properly adopted. Retroactive approval shall not be granted unless the Bylaws or amendment is submitted to the General President for approval promptly after its adoption by the subordinate body. Nor shall retroactive approval be granted if the effect is to excuse an action that was not lawful, or was not properly authorized in accordance with the Bylaws as approved by the subordinate body, at the time the action was taken. If the General President fails to approve the Bylaws or amendments thereto, the matter may be referred by the subordinate body to the General Executive Board for its determination. Regardless of approval, if any conflict should arise between such Bylaws or amendments thereto and the International Constitution or amendments thereto, the provisions of the International Constitution shall control.

Affiliation of Local Unions

Section 6. All Local Unions within the jurisdiction of the Joint Council shall affiliate with the Joint Council, comply with its laws, and obey its orders.

Section 7. The officers of the Joint Council shall consist of a President, Vice President, Recording Secretary, Secretary-Treasurer, and three (3) Trustees. These officers shall constitute the Executive Board of the Joint Council. The Joint Council Executive Board shall meet no less often than quarterly.

Only delegates to the Joint Council shall be eligible to serve as Joint Council officers and only Local Union delegates who have been elected in accordance with Article XXII shall be eligible to vote in the election of Joint Council officers. The officers of the Joint Council shall be elected by secret ballot. In the event that a Joint Council officer ceases to serve as a Local Union officer, he shall cease to be a Joint Council officer effective as of such time.

Article XVI

CONFERENCES

Establishment

Section 1. Experience has demonstrated that State, Multi-State, Multi-Area or National Conferences, and Trade Conferences and Divisions are of value to this International Union and its affiliates. Therefore, Trade Conferences and Divisions shall be organized and chartered as subordinate bodies of the International Union for such geographical area, industries, or companies as the General Executive Board may from time to time direct. They shall function under the rules prescribed by the Bylaws approved by the General President. A Policy Committee for the Conferences shall be elected by the delegates to

such Conferences by secret ballot. The International Constitution shall supersede Conference Bylaws in the event of conflict.

Conference Bylaws

Section 2. Each Conference shall submit Bylaws adopted by it to the General President for his approval, and such Bylaws shall not become effective until such approval has been obtained. The General President reserves the right at any time to make such amendments or changes in approved Bylaws as he deems to be in the best interest of the International Union.

All action establishing Conference dues obligations and assessments shall be submitted to the General President for his approval prior to their becoming effective.

All Local Unions and Joint Councils must affiliate with and participate in the activities of the State, Multi-State, Multi-Area, or National Conferences, if any, having geographic or awarded jurisdiction over such Local Unions and Joint Councils. All Local Unions must pay all dues and assessments to such Conferences no later than the twentieth (20th) day of the succeeding month.

The functions of State, Multi-State, Multi-Area, or National Conferences shall be set forth in their Bylaws which become effective upon approval by the General President.

Article XVII

CHARTERED MISCELLANEOUS LOCAL UNIONS

Whenever there is not a sufficient number of any one (1) craft, a mixed Local Union may be formed. There shall be only one (1) Local Union of any craft chartered in any city, except in localities where it may be necessary,

Art. XVII, Sec. 1-Art. XVIII, Sec. 1

and in such cases the General Executive Board shall, after consultation with the Joint Council, have full power to determine the advisability of issuing a separate charter.

The General Executive Board is authorized by majority vote to approve the issuance of a separate charter to any group of members of any existing Local Union or Local Unions.

When a separate charter is issued to a separate group, the members within the jurisdiction of the newly chartered Local Union must be transferred to said new Local Union. It shall be incumbent upon the original Local Union to provide the necessary funds with which the newly constituted Local Union shall obtain its charter, with a maximum equivalent to three (3) months dues per member for the number being transferred unless the Local Union determines the amount shall be more. In no event shall the original Local Union be required to pay out more than fifty percent (50%) of its assets.

On the question of the issuance of a separate charter, the General Executive Board may, in its discretion, conduct a referendum vote among all of the members of the Local Union or subordinate body or of the members in any division, craft, or place of employment, or under any specific contract, or on other similar basis as the General Executive Board may determine. The result of such referendum, if conducted, shall be advisory only.

Article XVIII

TRANSFER AND WITHDRAWAL CARDS

Issuance of Transfer Card

Section 1. It shall be compulsory for a member to maintain or establish membership in the Local Union under whose jurisdiction he is working, subject to agree-

ments approved by the General Executive Board pursuant to Section 2(d) or Section 5 of this Article. However, an employee of a Joint Council, State and Multi-State Conference, or the International Union shall not be required to transfer membership because of assignments outside of the jurisdiction of the Local Union of which he is a member. If a member continues to work under the jurisdiction of a Local Union of which he is not a member after having failed to apply for a transfer card as specified herein or after refusing to comply with an award transferring his membership, either the Local Union of which he is a member or to which he should transfer may bring charges for violation of this Constitution under Article XIX. Refusal to issue a transfer card or to approve a transfer may be appealed to the General President and thereafter to the General Executive Board in accordance with the appeal procedures provided for in this Constitution, excluding, however, appeal to the Convention.

Section 2(a). Any member in good standing is entitled to obtain a transfer card from the Local Union in which he is a member in order to become a member of the Local Union within whose jurisdiction he is employed. Every member must report to the Local Union into which transfer is sought upon obtaining employment and must present to the Local Union proper and satisfactory identification.

The Secretary-Treasurer of the Local Union into which transfer is sought shall certify to the Secretary-Treasurer of the Local Union from which the member seeks to transfer that the member has obtained work, or upon issuance of a transfer card will be eligible for work, within that Local's jurisdiction. Upon receipt of such certification, the Secretary-Treasurer of the Local Union from which the transfer is being requested must respond in writing as to the member's status in the Local Union from which transfer is sought. No transfer card

Art. XVIII, Sec. 2

shall be issued unless such certification and corresponding response have been issued in writing by the Secretary-Treasurer of the affected Local Union.

(b). It shall be compulsory upon every Local Union to accept the transfer card of a member in good standing with any Local Union of the International Union, without any extra charge or fees; provided, however, the member seeking to transfer has already obtained employment within the jurisdiction of the Local Union; provided further, the member seeking to transfer shall comply with all rules and regulations set forth in this Constitution respecting transfer and provided further, he shall comply with rules and regulations of the Local Union and its Constitution and Bylaws. A member who has transferred to a Local Union shall be entitled to the rights and privileges of membership in the Local Union in accordance with the rules and regulations of the Local Union.

(c). The transfer card shall be deposited immediately with the Local Union into which transfer is sought, and upon such deposit the transfer shall become effective. For purpose of Article II, Section 4(a) and Article XXII, Section 4, membership in the Local Union into which transfer has been accomplished shall be considered to begin with the month following the month in which the transfer became effective. Upon transfer the member is subject to the rules, Bylaws, and agreements of the Local Union to which he has transferred.

(d). A member in good standing who requests a transfer card shall not be responsible for payment of dues or assessments which accrue in the Local Union from which transfer is requested after the month in which application for transfer is made. Thereafter, a member becomes obligated to the Local Union into which transfer is requested. In no case shall the Local Union into which the member has

transferred charge the member dues for the month in which the card was requested. The Local Union from which a member has been transferred shall be obliged to refund to such member dues paid in advance to such Local Union covering the period from the end of the month in which such member has transferred to the end of the period for which such dues have been paid in advance. However, the provisions of this Section shall not prohibit Local Unions representing members employed within the airline, construction, motion picture, and food processing industries, and such other industries as determined by the General Executive Board, from entering into administrative agreements, subject to the approval of the General Executive Board, that recognize the problems of transferring members between the affected Local Unions in those industries.

(e). A maximum charge of fifty cents (50¢) may be made for each transfer card issued. Salaried officers and employees of the International Union and subordinate bodies shall not be required to transfer from their respective Local Unions while employed by the International Union or the subordinate body.

Transfer Card

Section 3. This is to certify that

.....
(Name)
is a member in good standing of Local Union
International Brotherhood of Teamsters, and has paid all
dues and other obligations through the month of
....., 20.....

We recommend him to the friendship and protection of all members of the International Brotherhood of Teamsters, wherever he may be, and to free admission, provided he has been a member not less than six (6) months in the Local Union from which he transfers; otherwise he

Art. XVIII, Sec. 3-4

shall pay the difference in the initiation fee to the Local Union to which he transfers.

.....
(Name)

has been a member of this Local Union since

....., 20

(Date)

and has tendered an initiation fee of \$

This card is issued in accordance with the provision of Article XVIII, Section 2 of the International Constitution.

Given under our hands and the seal of the Local Union No., thisday of, 20....
(SEAL)

Section 4. A transfer card shall not be issued to a member who is not in good standing in the Local Union from which transfer is sought. Any member who is not in good standing shall be advised of the obligation owed to the Local Union from which transfer is sought. In the event the member seeking to transfer refuses to pay the obligations owed to the Local Union from which transfer is sought, he shall forfeit his membership in that Local Union, and the Local Union into which he seeks to transfer may charge him the initiation fee payable by new applicants for membership, if any. If within six (6) calendar months of the month in which application for transfer is made a member returns to the Local Union to which he owes a financial obligation, that Local Union may collect the outstanding obligation. However, after six (6) calendar months of membership in the Local Union to which he has transferred, the obligations to the Local Union from which transfer was sought shall be deemed to have been satisfied.

**Employment Within Jurisdiction of
Sister Local Union**

Section 5. When a member of a Local Union continues to work on a full-time basis within its jurisdiction and also obtains employment within the jurisdiction of a sister Local Union, he shall not be entitled nor required to transfer his membership, but he shall pay to the sister Local Union a periodic service fee (not in excess of the applicable membership dues) established and uniformly required by it from members of other Local Unions working within its jurisdiction. When a member of a Local Union continues to work on a part-time basis within its jurisdiction and obtains full-time employment within the jurisdiction of a sister Local Union, he shall be required to transfer to the sister Local Union and to pay the periodic service fee to his former Local Union. This provision is subject to applicable law.

**Jurisdiction to Issue
Honorable Withdrawal Card**

Section 6(a). Local Unions shall have jurisdiction over the granting and acceptance of all honorable withdrawal cards and shall establish rules in their Bylaws not inconsistent with this Constitution to govern the issuance and acceptance of withdrawal cards with respect to members working within the various crafts and industries under their jurisdiction.

When a member becomes unemployed in the jurisdiction of the Local Union, he shall be issued an honorable withdrawal card upon his request. If no request is made, an honorable withdrawal card must be issued six (6) months after the month in which the member first becomes unemployed, if he is still unemployed at that

Art. XVIII, Sec. 6

time. A member is not considered to be unemployed if the member is on sick leave, Family Medical Leave, or worker's compensation and retains reemployment rights with an employer party to a collective bargaining agreement.

Provided, however, that the above paragraph shall not apply to seasonal employment or where a Local Union has adopted procedures requiring active membership to utilize a job referral list. In such cases, the Local Union may adopt such uniform Bylaw provisions relating to the issuance and deposit of withdrawal cards as it deems appropriate, which shall become effective when approved as required by this Constitution. The member shall continue to pay his monthly dues through the month in which the withdrawal card, if issued, is effective.

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

(c). A Local Union may provide in its Bylaws that retired members who have been issued withdrawal cards may continue as honorary members with the privilege of attending meetings. In any case where a Local Union is required to give to a member an honorable withdrawal card under the terms of the International Constitution and its Bylaws, it may provide for the continuance of Local Union benefits to such inactive member under conditions which it may set forth, but such inactive member shall not be permitted to hold office or vote, and shall have only such right to participate in the meetings and the affairs of the Local Union as shall be uniformly permitted by the Local Union Executive Board.

(d). There may be a maximum charge of fifty cents (50¢) to any member issued a withdrawal card, and it shall be the duty of the Secretary-Treasurer of the Local Union receiving such charge duly to record it in his ledger.

(e). Refusal or failure to grant an honorable withdrawal card or issuing a withdrawal card in alleged violation of this Constitution shall be subject to appeal in accordance with the appeal procedure provided for by this Constitution, excluding, however, any appeal to the Convention.

(f). Withdrawal cards shall be issued and accepted in accordance with the provisions of this Section and Section 7 and shall be issued in the form prescribed by Section 7.

(g). The Local Union shall not charge an initiation fee on the deposit of a withdrawal card.

(h). To be eligible for a withdrawal card a member must have paid to the Local Union issuing the withdrawal card all dues and other financial obligations as a member, including dues for the month in which the withdrawal card is effective. In no event shall the month in which the withdrawal card is effective be earlier than ninety (90) days prior to the date of issuance. The date of issuance shall be the date on which the transaction is recorded on the member's ledger card.

(i). It shall be compulsory for any inactive member on withdrawal to deposit his withdrawal card immediately upon return to employment at the craft. The Local Union shall collect a month's dues for the month in which the withdrawal card is deposited. In no case shall the Local Union, when accepting the withdrawal card charge the member dues for the month in which it was effective.

Honorable Withdrawal Card

Section 7(a). This is to certify that the bearer hereof,
.....
has paid all dues and demands and has withdrawn in good
standing from membership in Local Union No.

(b). This card entitles him to reinstatement to good standing status in the Local Union from which this card was issued at any time; subject, however, to the provisions of subsection (e) of this Section, and provided the bearer has obtained employment at the craft.

(c). Any member of a Local Union refusing full-time employment when offered or leaving employment within the jurisdiction or going to work at another craft or occupation outside its jurisdiction on other than a temporary or part-time basis shall be given an honorable withdrawal card and cannot remain a member.

(d). Any inactive member out on withdrawal card, and desiring to return to membership in good standing, must first deposit his withdrawal card with the Local Union by which it was issued. Refusal of any Local Union to accept a withdrawal card shall be subject to appeal in accordance with the appeal procedure provided for by this Constitution, excluding, however, any appeal to the Convention.

(e). The Local Union must not accept a withdrawal card if the inactive member has committed any offense while out on withdrawal card which would be injurious to union principles. Also, if the Local Union is paying benefits and the inactive member has fallen into bad health or is liable to become a charge against the Local Union or International Union, acceptance of the withdrawal card can be refused by the Local Union. Likewise acceptance of a withdrawal card may be refused where adverse employment conditions exist.

Given under our hands and the seal of the Local Union
No., this day of, 20....
(SEAL)

....., Secretary-Treasurer

....., President.

Article XIX

TRIALS AND APPEALS

Trials of Local Union Officers and Members

Section 1(a). A member or officer of a Local Union charged by any other member of the Local Union with any offense constituting a violation of this Constitution shall, unless otherwise provided in this Constitution, be tried by the Local Union Executive Board. If the member charged or preferring the charges is a member of such Board, or if a member of the Local Union Executive Board is unable to attend the hearing for any reason, then the principal executive officer of the Local Union shall appoint an uninvolved member as a substitute. If either the President or Secretary-Treasurer of the Local Union is charged or is preferring the charges, or is unable to attend the hearing for any reason, the other officer shall appoint the substitute.

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

Art. XIX, Sec. 1

the trial body. This prohibition shall apply to any proceeding conducted under Article XIX or any other Article of this Constitution.

Charges by, against, or involving a majority of the members of a Local Union Executive Board shall be filed with the Secretary-Treasurer of the Joint Council for trial by the Joint Council Executive Board. Where there is no chartered Joint Council, reference in this Article XIX relating to trials and appeals by or before Joint Councils shall apply pursuant to Article XV to the appropriate existing State or Multi-State Conferences.

(b). Whenever charges are preferred against any member or officer of a Local Union, the charges shall be filed in writing in duplicate with the Secretary-Treasurer of the Local Union, Joint Council, or General Executive Board which is to try the case. Prior to notifying a member or officer that charges are filed, the Local Union Executive Board, Joint Council Executive Board, or General Executive Board with which the charges have been filed shall review the charges and dismiss them if the charges have not been timely filed or if the act complained of does not constitute a violation subject to discipline under this Constitution or Bylaws of the appropriate union entity. If the charges are dismissed, the charging party shall be notified in writing and may appeal directly to the General President. Appeals from the decisions of the General President may be filed with the General Executive Board. Any such appeal shall be limited to the question of whether the charges are properly filed. In the event such appeal is granted, the charges will be returned to the body with which they were filed for trial on the merits.

(c). No member or officer of a Local Union shall be tried unless he or she shall be served by the Secretary-Treasurer or his designee, personally or by mail, with

a written copy of such charges specifying the nature of the offense of which he or she is accused. Thereupon, the accused shall be required to stand trial at the time and place designated, which shall not be less than ten (10) days from the date the charges are served upon the accused. The accused may appear in person, and with witnesses, to answer the charges preferred against him or her. The accused may select only a member in good standing of his Local Union to represent him in the presentation of his defense; and the charging party may select only a member in good standing of his Local Union to assist him in the presentation of the evidence in support of the charges. The Local Union Executive Board shall, upon the request of any party that a verbatim record be made, determine the manner of recording the proceedings. Any request by a party that a verbatim record be made must be received by the Executive Board not later than five (5) business days prior to the scheduled commencement of the hearing and shall be honored. The Local Union Executive Board shall have the authority to exclude any method of verbatim recording not authorized by it. All parties shall have access to such recording on an equal basis.

(d). A member of one Local Union shall have a right to file charges against a member of another Local Union. Such charges must be filed with the Executive Board of the Local Union of which the accused is a member. The Executive Board may, at its discretion, decline to process the charges. However, a decision of the Executive Board not to process the charges may be appealed in accordance with the provisions of Section 2.

(e). If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose disciplinary actions as provided for in this Constitution. If the charges are not sustained, the same shall be dismissed. In order to be sustained, the charges must be

Art. XIX, Sec. 1

supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The decision of the hearing panel shall be in writing and shall set forth the reasons for the panel's findings. This requirement shall apply to any hearing required under Article XIX.

(f). Upon filing of such charges and if the same are of such magnitude and seriousness as to jeopardize the interests of the Local Union or International Union then, and in that event, the General President, if the matter is brought to his attention, may, if he deems it advisable, immediately suspend such officer from office in the Local Union until a decision has been rendered in the case. Any officer so suspended shall have the right to file an appeal with the General Executive Board. Upon reversal of the suspension, the officer shall be made whole for all economic loss.

(g). Charges may be preferred against a suspended member or an inactive member who has been issued a withdrawal card. Such suspended member or inactive member on withdrawal may utilize the appellate procedures available under this Constitution with respect to any charges filed against him; provided, however, that an inactive member who has voluntarily accepted a withdrawal card or has been suspended for failure to pay dues shall not have the right to file an appeal to the Convention. A suspended member or an inactive member on withdrawal may not file charges against an active member or officer.

(h). For purpose of this Article, the term "Local Union" shall include Local Divisions, General Committees of Adjustment, and State Legislative Boards affiliated with the Brotherhood of Locomotive Engineers Division, or Local Lodges and System Federation/ Divisions

affiliated with the Brotherhood of Maintenance of Way Employees Division.

Appeals of Local Union Officers and Members

Section 2(a). In the event disciplinary action is taken against the accused, he or she may take an appeal from the decision of the Local Union Executive Board to the Executive Board of the Joint Council, if one exists; otherwise the appeal shall be taken to the General Executive Board. Appeals from decisions of the Executive Boards of Joint Councils may be taken to the General Executive Board. As to all other matters not specifically excluded herein, appeals from decisions of the General Executive Board may be taken to the next Convention. There shall be no further appeal from the decision of the Convention.

All manner of appeals shall be taken within fifteen (15) calendar days from the date the decision is placed in the mail or otherwise transmitted to the interested parties. Appeals shall be considered to be filed on the date post-marked, if served by mail, or the date transmitted, if served by facsimile or electronic mail.

(b). The appellant shall mail or serve by facsimile or electronic mail a written notice of such appeal to the Secretary of the body to which the appeal is directed. No specific form or formality shall be required except that such notice shall clearly state an appeal is being taken from the particular decision rendered in the particular case. Any party electing to appeal to the Convention, where such appeal is permitted, must notify the General Secretary-Treasurer within the time limit set forth in Section 2(a) of this Article. Pending any appeal, the decision appealed from shall remain in full force and effect. Appeals shall be heard either on the record made before the trial tribunal or by a retrial, at the discretion of the body

Art. XIX, Sec. 2

hearing the appeal. Where an appeal is heard by a Joint Council or the General Executive Board as a trial or retrial, a verbatim recording shall be made in a manner selected by the hearing panel. The hearing panel shall have the authority to exclude any method of verbatim recording not authorized by it. All parties shall have access to the hearing record on an equal basis.

The date when an appeal will be considered by the appellate body may be fixed by it, but it shall proceed without unnecessary delay. No hearing on any appeal shall be held less than ten (10) days from the date on which notice of the hearing has been served on the parties unless all parties agree to waive this requirement. Notice of the date when the appeal will be heard shall be served personally or by mail on the parties interested in the particular case, and such parties may, at the discretion of the appellate body, be accorded the right to appear before the appellate body and present argument on the case.

Decisions on appeals shall be rendered within sixty (60) days after the appeal has been heard. Decisions shall be by majority vote of the hearing body. Decisions shall be in writing and shall set forth the reasons for the body's findings.

(c). If a member of the Executive Board of the Joint Council is involved in a case as a party or witness or is unable to attend the hearing for any reason, a substitute shall be appointed from among the delegates to the Joint Council in accordance with the same procedures set forth in Article XIX, Section 1(a), governing the appointment of substitutes on the Local Union Executive Board. No member of the Joint Council Executive Board or delegate shall serve on a panel considering an appeal from a decision involving members or officers of his Local Union.

If a member of the General Executive Board is in-

volved in a case as a party or witness or is unable to attend the meeting at which the General Executive Board decides the case, the remaining members of the General Executive Board shall be empowered to decide the case.

(d). Failure of any interested party in any case to appear before any trial or appellate body at the time and place designated in the notice shall constitute a waiver of appearance and the trial shall proceed or the appeal be heard regardless of the absence of such party.

If the charging party fails to appear in person before any trial or appellate body on the date set for trial or hearing, the charges shall be dismissed. Failure of the charging party to present evidence in support of the charges shall require dismissal of the charges. In either event, such dismissal shall constitute a final adjudication from which there can be no appeal, and after such dismissal the accused may not be retried on the same charges.

(e). Any party to a case, regardless of whether such party is the accused or not, being aggrieved of a decision rendered in the case shall be entitled to the same rights of appeal as are hereinbefore provided for the accused.

(f). The charging party, the accused, and the Local Union Executive Board may select only a member of the Local Union to represent them at a hearing conducted before any appellate body.

(g). For purpose of considering appeals from decisions from Local Divisions, General Committees of Adjustment, or State Legislative Boards, the term "Joint Council" shall include the National Divisions of the Brotherhood of Locomotive Engineers Division, the Teamsters Canada Rail Conference or the Brotherhood of Maintenance of Way Employees Division. Nothing set forth herein shall prevent the National Division of the

Art. XIX, Sec. 2-4

Brotherhood of Locomotive Engineers Division from conducting the initial trial hearing on matters within its jurisdiction as set forth in the Division's Bylaws.

Trials and Appeals of Officers of Joint Councils, Members of Conference Policy Committees and other Subordinate Bodies

Section 3(a). Whenever charges are filed against an officer of a Joint Council, a member of a Conference Policy Committee, or officer of any other subordinate body (other than a Local Union) for a violation committed in that capacity, such charges shall be filed in writing in duplicate with the Secretary of that body. Trials shall be conducted in accordance with the procedures set forth in Section 1 of this Article.

(b). All appeals from any decision of a trial body shall be filed with the General Executive Board and appellate review shall be conducted in accordance with the procedures set forth in Section 2 of this Article.

(c). The General President shall have the authority set forth in Section 1(f) of this Article with respect to any charges filed under this Section.

Trials and Appeals of Local Unions, Other Subordinate Bodies and Elective International Union Officers

Section 4(a). Whenever charges are preferred against a Local Union or against a Joint Council, or other subordinate body, such charges shall be filed in writing in duplicate with the Secretary of the trial body, and shall be served personally or by mail on the Secretary-Treasurer of the Local Union or the Joint Council or other subordinate body so charged. If the charges are against the Local Union the trial shall be by the Executive Board of the

Joint Council; provided that if a Local Union is not affiliated with a Joint Council due to the fact that no Joint Council exists with which such Local Union can affiliate, the trial shall be by the General Executive Board. If the charges are against a Joint Council or other subordinate body, the trial shall be before the General Executive Board. The provisions of this Section shall also be applicable when the Executive Board of the subordinate body is charged or is the charging party. In no event may a member of the charged Local Union or Joint Council be a member of the hearing panel. Selection of substitute members of the hearing panel shall be in accordance with the procedures set forth in Section 1 of this Article.

(b). A Local Union shall be accorded thirty (30) calendar days time in which to appear for trial and submit its defense. In the case of a Joint Council or other subordinate body the time of trial shall be fixed by the General Executive Board. A verbatim record of any such trial shall be made in the manner selected by the hearing panel. Charges shall be sustained only by majority vote of the panel. Decisions shall be in writing, shall set forth the reasons for the body's findings, and shall be rendered within ninety (90) calendar days after the matter has been heard.

(c). Appeals from decisions on charges against Local Unions or Local Union Executive Boards shall be taken to the General Executive Board and from it to the Convention. Appeals from decisions on charges against Joint Councils or other subordinate bodies shall be taken to the General Executive Board, but appeals to the Convention may be taken only by the Joint Council or other subordinate body involved. In all other respects the procedure on appeals shall be the same as provided in Section 2.

(d). Trial of elective International Union officers shall be only before the General Executive Board at such time

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and place as fixed by the General Executive Board. The officer charged shall be found guilty only on a two-thirds (2/3) vote of the uninvolved members of the General Executive Board who have heard the charges and voted in support of, or in opposition to, the charges. Appeals from the decisions of the General Executive Board shall be to the Convention. Charges against a majority of the members of the General Executive Board shall be filed with the Convention.

Charges against elective officers of the International Union or any subordinate body shall be limited only to those activities or actions occurring during their current term of office, and only those activities and actions occurring prior to their current term which were not then known generally by the membership of the International Union or the subordinate body in the case of an officer of a subordinate body.

(e). Emergency powers provided for in Section 11 of this Article shall apply with the same force and effect to Local Unions and Joint Councils and other subordinate bodies.

Original Jurisdiction of General Executive Board to Try Offenses Against International Union

Section 5(a). Notwithstanding any other provision of this Constitution, the General Executive Board shall have jurisdiction to try individual members, officers, Local Unions, Joint Councils, or other subordinate bodies for all offenses committed against the officers of the International Union or the International Union. In the event charges have been filed or hearings are pending before a subordinate body in respect to any offense over which the General Executive Board has assumed jurisdiction under

this Section, the jurisdiction of such subordinate body shall forthwith terminate and the subordinate body shall, upon request of the General Executive Board, transfer all of its records and papers pertaining to the case to the General Executive Board.

(b). In any proceeding brought under this Section, the accused shall be afforded the appropriate notice provided in either Section 1 or 4 of this Article. All procedures set forth in Section 1 of this Article regarding the replacement of involved members of the trial panel shall be utilized to ensure an unbiased panel considers the matter. The accused shall be accorded all rights set forth in any other Section of Article XIX.

(c). Charges shall be filed in duplicate in writing with the General Secretary-Treasurer or the General President. A copy of the charges shall be served personally or by mail upon the accused, together with notice of the time and place of trial.

(d). If the accused are unable to be present at the meeting of the General Executive Board, they may present their case in writing.

(e). Charges shall be sustained only by majority vote of the panel. Appeals from decisions of the General Executive Board shall be to the Convention.

Trials and Appeals Before Panels of Executive Boards

Section 6. In a case where a trial or hearing on appeal before the General Executive Board or the Executive Board of any subordinate body is required under the provisions of this Constitution, such Board or the General President or the President of the Executive Board involved, as the case may be, may have such trial or hearing on appeal conducted before a panel appointed by the

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General President or the President of the subordinate body, as the case may be. However, in no event shall the authority to conduct a hearing be delegated to persons who are not members in good standing of the International Union. Such a panel shall consist of one or more uninvolvement members and shall act on behalf of such Board in the holding of hearings and the taking of evidence. No member of the hearing panel or of the Board who is involved in the charges shall participate in deciding any aspect of the case, as prohibited by Section 1 of this Article. In the event a panel is established to conduct a hearing, a verbatim record must be made. The panel shall make a full report in writing to the Board, including findings and recommendations for disciplinary action, if any. The ultimate decision of the case, however, shall be made by the Board itself. The parties to the appeal shall not be entitled to further hearing or further personal appearance before the General Executive Board.

The General Executive Board, in its discretion, shall have the authority to decide any appeal on the basis of written submissions without the conduct of a hearing.

Grounds for Charges Against Members, Officers and Subordinate Bodies

Section 7(a). No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded. Nor shall a member or officer be required to stand trial on charges that are substantially the same or arise under the same circumstances as prior internal union charges against such member or officer, provided that a decision was rendered on those prior charges. Any charge based upon alleged misconduct which occurred more than five (5) years before the discovery of the conduct giving rise to the charge shall be rejected by the Secre-

tary-Treasurer, except charges based upon the nonpayment of dues, assessments, and other financial obligations.

Nothing herein shall preclude the General President with the approval of the General Executive Board, or the General Executive Board acting on its own initiative, from suspending a member or officer facing criminal or civil trial while the charges are pending. If exonerated the member or officer shall be made whole for all economic loss.

(b). The basis for charges against members, officers, elected Business Agents, Local Unions, Joint Councils, or other subordinate bodies for which he or it shall stand trial shall consist of, but not be limited to, the following:

- (1). Violation of any specific provision of the Constitution, Local Union Bylaws or rules of order, or failure to perform any of the duties specified thereunder.
- (2). Violation of oath of office or of the oath of loyalty to the Local Union and the International Union.
- (3). Breaching a fiduciary obligation owed to any labor organization by any act of embezzlement or conversion of union's funds or property.
- (4). Secession, or fostering the same.
- (5). Conduct which is disruptive of, interferes with, or induces others to disrupt or interfere with, the performance of any union's legal or contractual obligations. Causing or participating in an unauthorized strike or work stoppage.
- (6). Disruption of union meetings, or assaulting or provoking assault on fellow members or officers, or failure to follow the rules of order or rulings of the presiding officer at meetings of the Local Union, or any similar conduct in, or about union premises or places used to conduct union business.

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- (7). Crossing an authorized primary picket line established by the member's Local Union or any other subordinate body affiliated with the International Union.
- (8). Retaliating or threatening to retaliate against any member for having filed disciplinary charges or otherwise participated in a disciplinary hearing unless such charges were filed or pursued for the purpose of harassment or malicious injury.
- (9). Knowingly associating (as that term has been defined in prior decisions on disciplinary charges under this Article) with any member or associate of any organized crime family or any other criminal group.
- (10). Retaliating or threatening to retaliate against any member for exercising rights under this Constitution or applicable law including the right to speak, vote, seek election to office, support the candidate of one's choice, or participate in the affairs of the Union.
- (11). Committing any act of racketeering activity as defined by applicable law.
- (12). Obstructing or interfering with the work of, or unreasonably failing to cooperate in any investigation conducted by a Personal Representative appointed by the General President.
- (13). Accepting money or other things of value from any employer or any agent of an employer, in violation of applicable law.
- (14). Attempting to influence the operation of any employee benefit plan in violation of applicable law.

Specific Offenses

Section 8. Any member who (1) knowingly goes to work or remains in the employment of any person, firm, or corporation, whose employees are on strike or locked out, unless he has permission of the International Union, the Joint Council, or his Local Union, may be tried by the Executive Board of his Local Union. Any member who (2) knowingly gives or attempts to give, directly or indirectly, any information to any employer on an unfair list or whose employees are on strike or locked out, or whose employees are trying to secure an agreement or an improvement in their working conditions, or whose employees are trying to prevent an increase in hours of labor or a decrease in wages, for the purpose of assisting such employer, or for any gain or promise of gain, or who (3) knowingly goes to work or remains in the employment of any person, firm, or corporation on an unfair list of the International Union without permission from the International Union, the Joint Council, or his Local Union, may be tried in the manner provided for the trial of other offenses. It is recommended that the penalty for violating this Section shall be a fine equal to wages earned while working in violation of this Section. For repeated violations, suspension, or expulsion in addition to a fine should be considered.

Refusal to Return Records

Section 9. Any member (1) who wrongfully takes or retains any money, books, papers, or any other property belonging to the International Brotherhood of Teamsters, any Joint Council, Local Union, or other subordinate body or (2) who destroys any books, bills, receipts, vouchers, or other property of the International Brotherhood of Teamsters, any Joint Council, Local Union, or

other subordinate body, may be tried in the manner provided for the trial of other offenses.

Decisions and Penalties

Section 10(a). Decisions and penalties imposed upon individual members, officers, elected Business Agents, Local Unions, Joint Councils, or other subordinate bodies found guilty of charges may consist of reprimands, fines, suspensions, expulsions, revocations, denial to hold any office permanently or for a fixed period, or commands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine, then the same must be paid pending an appeal, if one is taken, unless the General President upon request waives payment pending appeal. A Local Union ordered to reinstate a member or perform an act other than the payment of a fine must comply therewith as a condition precedent to taking an appeal unless the General President or the General Executive Board suspends such order pending the appeal. If the fine is against a member or officer of a Local Union, assessed by the Local Union or Joint Council, it shall be paid into the treasury of the Local Union. If a fine is assessed against a Local Union by a Joint Council, the payment shall be to the treasury of the Joint Council.

(b). If the fine is assessed when the General Executive Board has assumed original jurisdiction, it shall be paid to the treasury of the International Union. In any other situation in which the General Executive Board assesses a fine, it shall be paid to the treasury of the subordinate body which first had jurisdiction to consider the charge.

(c). When such penalty consists only of a fine and an appeal is taken, such fine shall be deposited as above provided; thereupon such member, elected Business Agent, officer, Local Union, Joint Council, or other subordinate

body shall be permitted to continue in the Local Union with full rights and privileges in accordance with the laws of the International Union. If on appeal the decision is reversed and the fine disallowed, then the same shall be returned to the party depositing the same. Whenever a decision is handed down by any trial or appellate body and an appeal is taken, such decision shall stand and remain in full force and effect until reversed by a higher body unless the General President upon request stays the effectiveness of the decision pending appeal.

(d). In the event of noncompliance with the decision handed down by a trial or appellate body, the member, elected Business Agent, officer, Local Union, Joint Council, or other subordinate body shall stand suspended from all rights and privileges under this Constitution until the provisions of the decision have been complied with, unless the General President has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal.

Notwithstanding the above, the General President shall not have authority to waive payment of a fine or stay a penalty imposed after a final decision on the merits has been rendered by the General Executive Board.

(e). Any expelled member may be subsequently reinstated to membership in the Local Union from which expelled, or permitted membership in another Local Union, only by the action of the General Executive Board.

(f). Any member or Local Union that is tried by the General Executive Board cannot be tried for the same offense by a Local Union or Joint Council.

(g). The General Executive Board may send a case

back to the Joint Council, the Local Union, or other hearing body or officer for further hearing, production of additional testimony, or for further consideration with or without such further hearing.

**Emergency Power in General President to
Conduct a Trial When Welfare of
Organization Demands**

Section 11(a). Whenever charges involving a member or members, officer or officers, Local Union, Joint Council, or other subordinate body create, involve, or relate to a situation imminently dangerous to the welfare of a Local Union, Joint Council, other subordinate body, or the International Union, the General President is empowered, at his discretion, in all cases, except where the General Executive Board has assumed jurisdiction under Section 5 of this Article, to assume original jurisdiction in such matter, regardless of the fact that charges have been filed with a subordinate body and are pending. When the General President has assumed such original jurisdiction, under this Section, the jurisdiction of the subordinate body shall cease. Under such circumstances, the General President shall hold a hearing upon giving not less than forty-eight (48) hours notice to the party or parties charged to appear before him at a place and time designated by him. He shall then proceed to hear and try the matter and render judgment in accordance with the facts and circumstances presented to him. When the General President has so acted, an appeal shall lie from his decision to the General Executive Board, and from the General Executive Board to the Convention in the same manner and to the same extent only as is provided for appeals in other cases. Pending appeal from the General President's action, his decision shall stand and be enforced. All procedures set forth elsewhere in this Article to pro-

tect the rights of all parties shall apply to any proceeding under this Section.

(b). When the General President deems it necessary to exercise the foregoing emergency power, he may deputize a member or members of the International Union to act as his representative or representatives in such matter. Such representative shall have the same power as the General President as herein provided; however, when a trial shall be conducted by a representative or representatives of the General President, such representative or representatives shall make his or their recommendations to the General President, orally or in writing, and the decision in the case shall be made by the General President himself.

Refusal of Local Union to Try Member

Section 12. If a Local Union refuses to try its members when charges have been preferred by another Local Union, for any cause whatsoever, the Local Union preferring the charges may then bring the charge before the Executive Board of the Joint Council, where one exists, for trial and decision in the same manner as trials before the Local Union Executive Board. If no Joint Council exists, then the matter shall come within the jurisdiction of the General Executive Board.

Exhaustion of Remedies

Section 13(a). Every member, officer, elected Business Agent, Local Union, Joint Council, or other subordinate body against whom charges have been preferred and disciplinary action taken as a result thereof, or against whom adverse rulings or decisions have been rendered or who claims to be aggrieved, shall be obliged to exhaust all remedies provided for in this Constitution and by the International Union before resorting to any court, tribu-

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nal, or agency against the International Union, any subordinate body, or any officer or employee thereof.

(b). Where a Local Union, Joint Council, or other subordinate body, before or following exhaustion of all remedies provided for within the International Union, resorts to a court of law and loses its cause therein, all costs and expenses incurred by the International Union may be assessed against such Local Union, Joint Council, or other subordinate body, in the nature of a fine, subject to all penalties applicable where fines remain unpaid.

Where such court action is by a Local Union, Joint Council, or other subordinate body against a Local Union, Joint Council, or other subordinate body, the foregoing provision in respect to the payment of costs and expenses shall be applicable in favor of the Local Union, Joint Council, or other subordinate body proceeded against in court.

(c). The trial and appeals procedure provided herein is also available to and must be followed by any active or inactive member who is aggrieved by any decision, ruling, opinion, or action of the Local Union, membership, officers, or Executive Board, excluding collective bargaining matters, administrative matters decided by the appropriate hearing body of the Brotherhood of Locomotive Engineers Division, the Brotherhood of Maintenance of Way Employees Division or the Teamsters Canada Rail Conference, and decisions issued under a dispute resolution procedure established in a collective bargaining agreement.

Independent Disciplinary Officers

Section 14(a). There shall be an independent disciplinary system consisting of one Independent Investigations Officer and one Independent Review Officer ("Disciplinary Officers"). The term of each officer shall be

five (5) years from the date of appointment. Appointees shall meet the qualifications set forth in Paragraph 26 of the Final Agreement and Order in *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (LAP). The Disciplinary Officers may not be removed from office during their terms absent good cause. If the International Union seeks to remove a Disciplinary Officer for cause, it shall promptly provide notice to the United States Attorney for the Southern District of New York ("United States Attorney") of its intent to effect removal and the reasons therefore. Upon expiration of the current terms of office, Disciplinary Officers who satisfy all of the conditions set forth in Paragraph 26 of the Final Agreement and Order may be appointed by the General President, without the consent of the United States Attorney, provided sufficient advance notice is given to the United States Attorney.

The Disciplinary Officers shall have the authority to exercise any investigative and disciplinary authority specified in the Final Agreement and Order, including but not limited to, the authority vested in the General President, General Secretary-Treasurer and General Executive Board, as well as the authority previously exercised by the Independent Review Board, and any and all applicable provisions of law. The Disciplinary Officers shall have the authority to hire such staff, including investigators and attorneys, as they deem necessary to carry out their functions.

All officers, members, employees, and representatives of the International Union and its affiliated bodies shall cooperate fully with the Disciplinary Officers in the course of any investigation or proceeding undertaken by it. Unreasonable failure to cooperate shall be deemed to be conduct which brings reproach upon the Union, and

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which is thereby within the investigatory and decisional authority of the Disciplinary Officers.

(b). The Independent Investigations Officer:

- (1) Shall investigate any allegations of corruption, including but not limited to bribery; extortion; embezzlement; use or threats of force or violence against members to interfere with or extort their rights under this Constitution or their union democracy rights under applicable law, including their right to assemble, express their views, vote, seek election to office, support the candidates of their choice, and participate in the affairs of the Union; acceptance of money or other things of value from any employer or any agent of an employer, in violation of applicable law; and any act of racketeering activity, as defined in applicable law; aiding and abetting any act of racketeering, including the extortion of members' union democracy rights as defined by applicable law; any allegations of domination, control, or influence over any affiliate, officer, member, employee, or representative by any organized crime family or any other criminal group; any allegations of knowing association with any person enjoined from participating in union affairs; and any failure to cooperate fully in any investigation of the foregoing.
- (2) Shall issue, upon completion of an investigation that leads to a conclusion that actions by the International Union or an affiliated body are warranted, a written report detailing its findings, charges, and recommendations concerning discipline of officers, members, employees, and representatives, and concerning recommendations that any

affiliated subordinate body be placed in trusteeship.

- (3) Shall refer in writing any findings, charges, or recommendations regarding discipline or trusteeship matters to an appropriate Union entity for review, investigation, or appropriate action. The Independent Investigations Officer may designate any such matter as an original jurisdiction case for the General President to review. Copies of all written referrals shall be sent to the General President, General Executive Board, and the United States Attorney. The Union entity to which the matter has been referred shall promptly take whatever action is appropriate under the circumstances and shall, within ninety (90) days of the referral, make written findings setting forth the specific action taken and the reasons for that action.
- (4) Shall issue an annual report to the International Union and the United States Attorney addressing the functioning of the disciplinary system, the International Union's compliance with the Final Agreement and Order and any other matter he/she considers appropriate.

Hearings resulting from Independent Investigations Officer referrals before a Union entity shall be conducted under rules and procedures consistent with the requirements of Article XIX of this Constitution and applicable law, except that the charged parties shall have the right to be represented by legal counsel, or by a fellow member of the Union, at their option.

- (b). The Independent Review Officer:
 - (1) Shall decide all cases referred to him/her in accordance with the Final Agreement and Order and affirm, reverse, or modify any decision on appeal

from a ruling of the General Executive Board or any subordinate affiliated body.

- (2) May grant an extension of the ninety (90) day period for taking action on a matter referred to the General President or a subordinate entity upon request for good cause.
- (3) Shall review disciplinary decisions in matters referred to the International Union by the Independent Investigations Officer. If, in the Independent Review Officer's sole judgment, the Union entity to which a matter has been referred has not pursued or decided the matter in a lawful, responsible, or timely manner, or that a decision is inadequate in the circumstances, the appropriate Union entity shall be notified and shall within twenty (20) days of receipt of the notice, set forth in writing any and all additional actions it has taken or will take to correct the defects set forth in the notice and specify a timetable for such additional actions to be completed.
- (4) Shall promptly convene a de novo hearing on the matter, after adequate prior notice to all affected parties, if the Independent Review Officer concludes that the Union entity has not responded or that the additional actions it has taken or will take are inadequate to remedy the defects previously identified. The Independent Review Officer shall issue a written decision with respect to any matter on which a hearing has been conducted before him/her. Such decisions shall be final and binding and shall not be subject to further review under this Constitution. Hearings shall be governed by the Disciplinary Rules approved by the Court and appended to the Final Order, which shall remain

in effect unless any material change proposed by the International Union is approved by the United States Attorney. The charged parties shall have the right to be represented by legal counsel, or by a fellow member of the Union, at their option. The appropriate Union entity shall take all action which is necessary to implement the Independent Review Officer's decision, consistent with this Constitution and applicable federal laws.

- (5) Shall review and approve or reject any proposed settlement of a charge referred by the Independent Investigations Officer, between the individual or Union entity charged. The Independent Investigations Officer, the individual or Union entity charged, and the International Union shall have the right to be heard by the Independent Review Officer in connection with his/her decision whether to approve a proposed settlement.
- (6) Shall prepare and distribute to the membership annual reports of the work of the Disciplinary Officers, which shall include detailed descriptions of the disciplinary, trusteeship, compliance, and other actions taken by the Disciplinary Officers during the preceding year, including a summary of the number and types of charges referred by the Independent Investigations Officer, the disposition of those charges, and an analysis of those dispositions as compared with the dispositions of similar charges in previous years. Copies of the annual disciplinary reports shall be provided promptly to the United States Attorney.

Copies of all written decisions issued by the Independent Review Officer shall be provided to the International Union, which shall provide copies to the United States

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Attorney. The International Union shall promptly provide notice to the United States Attorney of any lawsuit by any person or entity that challenges or seeks review of union discipline imposed, recommended or approved by the Independent Disciplinary Officers.

The International Union shall pay all costs and expenses of, and provide suitable office space outside the premises of the International Union for the Disciplinary Officers and staff. Invoices for all costs and expenses shall be directed to the General President for payment.

Article XX

DISSOLUTION

No Local Union can dissolve, secede, or disaffiliate without the approval of the General Executive Board while there are seven (7) dissenting members; no Joint Council can dissolve, secede, or disaffiliate without the approval of the General Executive Board while there are two (2) dissenting Local Unions; nor can this International Union dissolve while there are seven (7) dissenting Local Unions. In the event of secession, dissolution, or disaffiliation, all properties, funds and assets, both real and personal, of such Local Union or Joint Council or other subordinate body shall become the property of the International Union as specified in Sections 13 and 14 of Article X hereof. Under no circumstances shall any Local Union or Joint Council distribute its funds, assets, or properties, or any part thereof, individually among its membership. To ascertain whether or not seven (7) members desire to retain the charter, there shall be subtracted from the complete membership list for the current month the name of each member in good standing who has, during the current month, submitted to the General Secretary-Treasurer a personally

signed, notarized, individual affidavit attesting to his desire to sever his membership in the Local Union and International Union. Such affidavit shall be forwarded to the General Secretary-Treasurer in the month in which it is signed. It shall be conclusively presumed that all who have not executed such individual affidavits still desire to retain the charter.

Article XXI

LABOR DAY

We recognize the first Monday in September as Labor Day, except in states where another day is provided by law, and call upon all Local Unions to observe the same. It is advisable for Local Unions to observe the day as best adapted to their locality.

Article XXII

LOCAL UNIONS

Bylaws

Section 1. Each Local Union shall adopt its own separate Bylaws which must comply, and may not conflict, with the provisions of the International Constitution. Said Bylaws shall designate as the principal executive officer the President, the Secretary-Treasurer, or the Recording Secretary.

The principal executive officer shall, in general, supervise, conduct, and control all of the business and affairs of the Local Union, its officers, and employees. He shall have charge and supervision of all the officers and employees of the Local Union including elected Business Agents. The principal executive officer shall also have charge of all labor controversies involving the Local Union.

Officers

Section 2(a). The officers of the Local Union shall consist of a President, Vice President, Recording Secretary, Secretary-Treasurer, and three (3) Trustees. These officers shall constitute the Executive Board of the organization. However, the General Executive Board shall have the authority to approve other titles and/or Executive Board organizational structures that have been approved by the members of an affiliate, where such variations are necessary to reflect prevailing practice in an industry or to facilitate the affiliation of a non-Teamsters labor organization.

Meetings of Local Union Executive Boards shall be no less frequent than meetings of the Local Union. The meetings of the General Executive Board, Conference Policy Committees, and the Executive Boards of Local Unions and all other subordinate bodies shall be open only to those persons who have been specifically permitted to attend by such Boards or Committees.

(b). A Local Union Executive Board shall not have the authority to bind the Local Union for personal services to be rendered to the Local Union or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations, and editorial services, by contract, agreement, or otherwise, beyond the expiration of the term of the Executive Board in office at the time such action is taken. This shall not prevent a Local Union Executive Board from entering into a bona fide collective bargaining agreement with another union covering Local Union employees; provided, however, that if the Local Union employees form a union following the Local Union election, or a new collective bargaining agreement covering such employees is negotiated after the Local Union election, the newly organized

unit shall not be recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local Union, until such action is approved by the officers-elect.

(c). When an election of officers conducted under this Article results in a new principal executive officer, the incumbent principal officer or designee shall meet with the principal officer-elect during the period between the date of election and the end of the term of office. The incumbent principal executive or designee shall review with the principal officer-elect pending grievances and open contract negotiations, as well as the Local's financial records. This shall not affect the authority of the incumbent officer to manage the affairs of the Local until the expiration of the term of office.

Terms of Office

Section 3(a). The term of office of Local Union officers and elected Business Agents shall be no longer than that of International officers or that provided for by law and shall not be for a lesser period than three (3) years, except where necessary to bring the terms of office of all officers into concurrence or in order to provide for a schedule of nominations and elections in accordance with Article XXII, Section 4(a).

(b). When an election is held in connection with the release of a Local Union from Trusteeship, the terms of the officers elected shall commence as of the effective date the Local Union is formally released from Trusteeship by the General President and shall terminate on December 31 of the second full year thereafter, unless the Local Union may legally have a term of office of four or five years and the Local's Bylaws so provide. In such cases, the term of office shall terminate on December 31

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of the third or fourth full year following release from Trusteeship, whichever is applicable.

(c). A member may hold office in more than one Local Union only with the approval of the General President, even though the person involved has not been a member of the second Local Union prior to holding office. Such officer shall be entitled to be a Joint Council delegate representing each Local Union in which he is an officer and shall be entitled to cast a vote on all matters on behalf of each Local Union. International Union officers and International Union Trustees who are receiving retirement benefits based solely on their services as such officers may hold a salaried office in a subordinate body.

(d). During the term of office of any officer of a Local Union or other subordinate body, no action under any circumstances may be taken to affect or modify the basic powers and duties of the incumbent officer, as established by the Bylaws or past practice. During the term of office of any officer or elected Business Agent of a Local Union or subordinate body, his salary may not be reduced an unreasonable amount as a subterfuge to force his resignation. Any reduction in salary during a term of an elected officer in a Local Union or subordinate body shall be made only on the basis of adverse change in financial condition as attested to by the General Secretary-Treasurer of the International Union.

Any modification of the basic duties and powers of an office, and any reduction in salary of an officer, except as provided above, may be made effective only as of the beginning of the next term of office.

Nominations and Election of Officers

Section 4(a). Nominations of officers and elected Business Agents shall take place in September, October, or No-

vember and elections shall be held in October, November, or December. Nominations shall be made at a general or special membership meeting or at a meeting of each separate division, craft, or place of employment authorized by the Local Union Executive Board to hold separate meetings. If nominations are held at separate division, craft, or place of employment meetings, the members may nominate candidates from their own or any other division, craft, or place of employment for election to union office. A member otherwise eligible to run for office shall become a bona fide candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nominations meeting, a member must have his dues paid through the month prior to the month in which the nominations meeting is held. Nominations shall be made at the meeting by a member in good standing other than the nominee, by motion seconded by a member in good standing other than the nominee. Candidates must accept nominations at the time made either in person, or, if absent, in writing, and may accept nomination for only one office. A member may also run for and be elected as a Business Agent or Assistant Business Agent as provided in Article XXII, Section 8, and may hold both the office and the position if elected to both. After a candidate has accepted nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed. If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event the name of the deceased nominee shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office.

No member whose dues have been withheld by his employer for payment to the Local Union pursuant to his vol-

Art. XXII, Sec. 4

untary authorization provided for in a collective bargaining agreement shall be declared ineligible to stand for election, to nominate, second, or vote for a candidate for office in the Local Union, by reason of a delay or default in the payment of dues by the employer to the Local Union.

The Secretary-Treasurer of the Local Union 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.

(b). The election shall be held at such place or places and at such time, not earlier than thirty (30) days after the nominations meeting, as may be designated by the Local Union Executive Board. The election shall be by secret ballot to be placed in boxes, unless the Executive Board of the Local Union has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote, the election box or boxes or machine or machines, however, to be located at a place or places designated by the Local Union Executive Board. Balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m., and it shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election, including grant of the right to each nominee in such election of at least one (1) observer at the candidate's own expense at each polling place, other than himself, who must be a member of the Local Union in good standing.

Candidates shall have the right to be present at the counting of the ballots. Voting by writing in the name of a person who was not duly nominated shall not be permitted. Any ballot shall be declared void if it contains any mark other than the voting mark. The Local Union Exec-

utive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. Absentee voting by mail shall be permitted only upon application of members who are ill or absent from the city or town where they are normally employed at the time of voting because on vacation or on employment tour of duty. The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer of the Local Union not less than five (5) days prior to the date set for election and shall contain the grounds therefor. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close. Absentee voting shall be conducted with all proper safeguards for secrecy of the ballot. The General President shall also have the authority to direct the use of mail referendum balloting or absentee balloting without membership approval, any action of the Local Union Executive Board to the contrary notwithstanding.

(c). To be eligible to vote in the election, a member must have his dues paid up 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 such tie by lot except in the case of a tie for the office of principal officer of the Local Union, in which case there shall be a reelection between only the candidates who have tied for the highest number of votes and only for that principal office. The officers-elect shall take office at the end of the term

Art. XXII, Sec. 4

of the incumbent officers regardless of the date of installation, which installation may take place at either the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Where the nominee is unopposed at the regularly designated nominations meeting, there shall be no necessity for the election of such nominee and he shall be declared duly elected at such nominations meeting, effective as of the conclusion of the term of the previous incumbent.

Local Unions whose membership is composed substantially of seasonal workers in the seasonal food industry shall provide for the nominations and election of officers during the peak of the season or, in the alternative, if the nominations and election are to be held at the time set forth herein, shall be governed by the following rules with respect to eligibility to vote: such seasonal workers who (1) were in regular employment during some period of the twelve (12) months prior to the election and (2) produce satisfactory evidence that their dues were paid up through the last month of employment shall be eligible to nominate and vote. Such members of such Local Unions must be permitted to continue to pay dues during periods of seasonal layoff. Any disputes with respect to the applicability of this provision, in any particular circumstances, shall be finally resolved by the General President.

(d). The General President is authorized to change the time and place of nominations and election provided for in this Section.

(e). During the period between the date of election and the end of the term of office, no extraordinary expenditure of Local Union funds shall be made, and no action shall be taken that commits the Local Union to make such extraordinary expenditures in the future, without the approval of the officers-elect and the membership. An ex-

penditure may be considered to be “extraordinary” if: (a) it is not routine or recurring in the operation of the Local Union, such as, but not limited to, those items set forth in Article VII, Section 2(a)(1); (b) it is for an amount greater than the Local Union would normally pay for the particular item in the ordinary course of its business; (c) it establishes new benefits, or increases the amounts of previously authorized benefits, for Local Union officers or employees; or (d) the payment would have a significant adverse effect on the financial stability of the Local Union and/or affect its ability to provide representational services to the membership. Nothing contained herein shall relieve the Local Union of the responsibility to arrange for the payment of financial obligations or benefits previously authorized in accordance with the Local Union’s Bylaws, on such terms as necessary to preserve the ability of the Local Union to meet its current financial commitments and provide services to the membership.

Nominations and Election Protests

Section 5(a). Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee, who shall decide such an appeal within seven (7) days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution. In the event there shall be any protest or charges made concerning an election by any member prior to the holding of the election, such protest or charge shall be made in writing by such member within forty-eight (48) hours of his knowledge of the event complained of and shall specify the exact nature and specifications of the protest. Such protest or charges shall be made

Art. XXII, Sec. 5

to the Local Union Secretary-Treasurer who shall refer the protest or charges to the Local Union Executive Board for disposition. The decision of the Local Union Executive Board shall be appealable pursuant to the provisions of Article VI, Section 2 of the International Constitution.

(b). In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by such member within seventy-two (72) hours setting forth the exact nature and specifications of the protest and his claim as to how it has affected the outcome of the election. Such protest or charge shall be made to the Secretary-Treasurer of the Joint Council with which the Local Union is affiliated and the protest or charge shall be referred to the Joint Council Executive Board for disposition. The Joint Council Executive Board shall meet to consider the protest and shall conduct a hearing as prescribed in Article XIX of this Constitution. The decision of the Joint Council Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention, in accordance with the provisions of Article XIX of the International Constitution to the extent that such provisions may be applied to an election protest or charge.

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

(d). The provisions set forth in this Section concerning the processing of pre- and post-election protests that do not involve eligibility to run for office shall not be applicable to members of subordinate bodies affiliated with the Brotherhood of Locomotive Engineers Division, the Brotherhood of Maintenance of Way Employees Division or the Teamsters Canada Rail Conference. Election

protests filed by members of those affiliates shall be processed in accordance with the Bylaws of the respective organizations.

Election of Additional International Convention Delegates

Section 6. The provisions of this Constitution governing the conduct of the nominations and election of Local Union officers shall also govern the conduct of the election of additional delegates and/or alternates to the International Convention which may be conducted pursuant to the provisions of Article III, Section 5.

Seasonal Workers

Section 7. The regular nominations and elections in Local Unions having a substantial number of seasonal workers in their membership shall be held at such dates and times as the General President shall designate in the year provided for in the Local Union Bylaws and in conformance with all other provisions of the International Constitution pertaining to nominations and elections.

Business Agents

Section 8. The Business Agents and Assistant Business Agents of a Local Union may be appointed in the manner provided in the Local Union Bylaws. Appointed Business Agents or appointed Assistant Business Agents may be removed at will only by the appointing authority. Business Agents and Assistant Business Agents may be elected in the same manner as officers are elected provided that the Local Union Bylaws adopted at the time of the adoption of the 1981 Constitution contained provisions permitting such election. Elected Business Agents and elected Assistant Business Agents may be removed only

Art. XXII, Sec. 8-9

according to the trial procedures set forth in this Constitution or Local Union Bylaws. After the date of adoption of the 1981 Constitution, no Local Union may amend its Bylaws to provide for the election of Business Agents, Assistant Business Agents, or other Local Union employees other than the officers comprising the Local Union Executive Board.

Notwithstanding the above paragraph, Appointed Business Agents, Appointed Assistant Business Agents and Elected Business Agents may be removed by a Trustee appointed by the General President in accordance with Article VI, Section 5.

Vacancies

Section 9. The Local Union Executive Board and the Executive Board and/or the Policy Committee of all other subordinate bodies shall determine when a vacancy exists due to the temporary unavailability of an elected officer; provided however, that if an officer is unavailable for twelve (12) months or more, the office shall be considered to be vacant. When an office has been determined to be vacant, all of the remaining Executive Board officers shall have the right to vote to fill the vacancy by appointment for the entire remainder of the unexpired term. Once appointed, the new officer shall serve the remainder of the unexpired term, subject to removal only in accordance with Article XIX. Vacancies in the position of elected Business Agents or elected Assistant Business Agents shall be filled by appointment by the person or persons designated in the Local Union Bylaws.

In the event the Local Union Executive Board is evenly divided in its recommendation for the appointment to fill a vacancy in an elected office, the vacancy shall be

filled by a vote of the Local Union membership under the same provisions and requirements for the election of Local Union officers as set forth in this Constitution.

No officer may run for another office in his Local Union, the term of which covers part of his current term, unless he resigns from his current office, effective upon the certification of the results of the election. He shall announce his intention to resign not later than fifteen (15) days prior to the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation.

Article XXIII

DUTIES OF LOCAL UNION SECRETARY-TREASURERS

Section 1. Prior to taking office Local Union Secretary-Treasurers shall comply with the provisions of Article X, Section 7 and any applicable law.

Section 2. Local Union Secretary-Treasurers shall enter all receipts in the name of the Local Union and shall deposit all moneys in accordance with Article X, Section 9.

Section 3. When Local Union Secretary-Treasurers pay bills by check, such checks must bear the signature of any two (2) of the following: the Local Union President, the Local Union Secretary-Treasurer, or one (1) other officer or elected Business Agent. In the event that two (2) or all of these officers become ill or otherwise incapacitated the Local Union Executive Board shall designate substitutes for the purpose of signing such checks.

Section 4. Local Union Secretary-Treasurers shall maintain a bookkeeping system as prescribed by the General Secretary-Treasurer and approved by the General Executive Board, unless the General Secretary-Treasurer

Art. XXIII, Sec. 4-9-Art. XXIV, Sec. 1

has approved a deviation from the prescribed bookkeeping system.

Section 5. Local Union Secretary-Treasurers must pay to the General Secretary-Treasurer the initiation fee and per capita tax as prescribed in Article X, Section 3.

Section 6. Local Union Secretary-Treasurers must report additions, deletions, and corrections to the original magazine mailing list of the Local Union to the General Secretary-Treasurer on a current basis.

Section 7. Local Union Secretary-Treasurers cannot and must not carry any person on their books as members of the organization and mark them exempt from paying dues, unless there has been a waiver by the General Executive Board.

Section 8. Local Union Secretary-Treasurers shall forward to the Office of the General Secretary-Treasurer the names of the officers of the Local Union within thirty (30) days after their election or appointment to office, using the system and forms prescribed by the General Secretary-Treasurer.

Section 9. Local Union Secretary-Treasurers shall forward to the Office of the General Secretary-Treasurer copies of all reports filed by the Local Union with all governmental agencies.

Article XXIV

SERVICE OF PROCESS ON INTERNATIONAL UNION

Only the elected officers of the International Union are authorized to be its agents for service of process. General Organizers, staff members and employees of the International Union, and the officers and employees of subordinate bodies are not authorized to be agents of the

International Union for service of process under any circumstances.

Article XXV

DEFINITION OF EXECUTIVE BOARD

Unless specifically provided otherwise, wherever this Constitution provides for action by the Executive Board of the International Union or any subordinate body, the words "Executive Board" shall mean "a majority of the members of the Executive Board present and voting at a duly called meeting at which a majority of the members of the Executive Board is present or responding to a telephonic or electronic poll." Actions approved by poll must be recorded in the minutes of the Executive Board and ratified by a majority of the members of the Executive Board at its next meeting.

Article XXVI

TEAMSTERS CANADA

Statement of Purpose

Section 1. In recognition of the distinct national character of Teamsters members in Canada, the General Executive Board has designated Teamsters Canada as the nationwide representative of all Canadian Teamsters. By incorporating the unique structure of Teamsters Canada in this Constitution, we acknowledge the sovereignty of the nation of Canada and the diversity and distinctiveness of its political, cultural, legal, and social institutions. Canadian Teamsters reflect their country's distinct French and English heritages, each with its own constitutionally protected historical and linguistic traditions, labour relations systems, laws, and customs.

We further acknowledge that by virtue of its responsi-

Art. XXVI, Sec. 1-3

bilities, which include the coordination of the activities of all affiliates and members in Canada, Teamsters Canada will engage in legislative and political action; will provide research, education, and communication services; and will assist Local Unions with national bargaining, organizing, and liaison with other Canadian labour organizations; all of which functions are similar to the duties performed by the International Union for members in the United States. Teamster members in the United States and Canada will benefit from the centralized policymaking existing in each country. Those mutually supportive governing bodies will facilitate our Union's ability to develop strategies to deal with corporations and political events that transcend our national border.

Section 2. All Local Unions and Joint Councils in Canada shall affiliate with, and participate in the activities of, Teamsters Canada. The provisions of the International Constitution shall apply to Teamsters Canada and all other subordinate bodies and members in Canada, except that the terms of this Article shall supercede any conflicting provision of any other Article of this Constitution. Decisions of the General President and/or General Secretary-Treasurer regarding policies applicable to affiliates of the International Union shall be binding on Teamsters Canada and its subordinates, to the extent those policies are consistent with applicable law.

Bylaws

Section 3. The Bylaws of Teamsters Canada in effect at the time of the adoption of the 2001 Constitution shall continue to govern the affairs of Teamsters Canada. Such Bylaws may only be amended in accordance with the procedures set forth in the Bylaws. Amendments to the Bylaws of Teamsters Canada shall be submitted to the General President for approval, in accordance with Arti-

cle VI, Section 4 of this Constitution. Properly adopted amendments shall be approved except where the General President determines that such amendments are in conflict with the International Constitution or contrary to the well-being of the International Union.

**Allocation of Per Capita Tax,
Assessments and Fees**

Section 4(a). In recognition of the fact that Teamsters Canada shall assume the responsibility for the expenses associated with certain activities performed by the International Union in the United States, the following allocation of per capita tax and fees shall apply. The terms of this Section supercede any contrary provisions of Article X of this Constitution.

(b). Each Local Union in Canada shall pay to the General Secretary-Treasurer the amount specified in Article X, Section 3(a) of this Constitution from every initiation or reinitiation fee collected. The General Secretary-Treasurer shall pay to Teamsters Canada thirty-three percent (33%) of the amount of each initiation or reinitiation fee collected.

(c). Each Local Union in Canada shall pay to the General Secretary-Treasurer the per capita tax required by Article X, Section 3(b) of this Constitution, payable for the current month, not later than the twentieth (20th) day of the succeeding month, unless otherwise determined by the Executive Board of Teamsters Canada in extreme hardship cases, which determination shall be confirmed by the General Secretary-Treasurer. This per capita tax shall be in addition to any other per capita tax payments payable directly to Teamsters Canada, as required by the Bylaws of Teamsters Canada.

Per capita tax shall be paid not only on dues paying

Art. XXVI, Sec. 4-5

members, but also on all persons paying agency shop fees, periodic, or other service fees to the Local Union.

The General Secretary-Treasurer shall pay to Teamsters Canada from each per capita received from Canadian Local Unions, eighty percent (80%) of the amount collected. The General Secretary-Treasurer shall advise Teamsters Canada of the number of members on which per capita tax has been paid by each Canadian affiliate each month.

In consideration of the allocation of monthly per capita tax set forth above, the financial obligations of the International Union to Teamsters Canada shall include those services mutually agreed between the parties from time to time. The General Executive Board is authorized to adjust the allocation percentage amount to reflect any changes in the services provided.

(d). Each Local Union in Canada shall be obligated to pay to the General Secretary-Treasurer any emergency assessment required by Article X, Section 2 of this Constitution. The General Secretary-Treasurer shall pay to Teamsters Canada from each assessment received from Canadian Local Unions, fifty percent (50%) of the amount collected.

(e). Each Local Union in Canada shall continue to maintain membership data, bookkeeping, and communication systems in the manner prescribed by the General Secretary-Treasurer and consistent with Article XXIII of the Constitution.

International Union Officers From Teamsters Canada

Section 5(a). The International Union officers from Canada shall consist of the President of Teamsters Canada, who shall also be an International Vice President, and

two (2) regional Vice Presidents, consistent with Article IV, Section 1(a) of the Constitution. Candidates for these offices shall be elected by members in Canada, as provided in Article IV, Sections 2 and 3 of the Constitution.

The Vice President/President of Teamsters Canada and the two regional Vice Presidents shall be officers of the Executive Board of Teamsters Canada, commencing upon the effective date of their installation as International officers, regardless of the prior composition of the Executive Board of Teamsters Canada and regardless of the region from which the International Vice President was elected.

The President of Teamsters Canada shall be the Principal Officer of Teamsters Canada, as provided by Article III, Section 2 of the Bylaws of Teamsters Canada. He shall be responsible for maintaining liaison with the General President and the International Union on behalf of Teamsters Canada and the Canadian membership. He shall have the authority over the affairs of Teamsters Canada as provided by the Bylaws of Teamsters Canada.

The General President shall consult with the President of Teamsters Canada regarding the assignment in Canada of the two regional International Vice Presidents. The President of Teamsters Canada may assign the two regional International Vice Presidents to perform work in Canada, provided that those tasks do not conflict with the performance of their assignments from the General President.

(b). In the event a vacancy occurs in the office of regional International Vice President from Canada, the General President shall fill the office by appointment, pursuant to Article VI, Section 1(a) of the Constitution and subject to approval by the General Executive Board. Prior to such appointment, the General President shall consult with the President and Executive Board of Team-

Art. XXVI, Sec. 5

sters Canada to seek their recommendation regarding the replacement.

(c). In the event a vacancy occurs in the office of International Vice President/President of Teamsters Canada less than one (1) year prior to the first day of the month in which the next regular International Convention is scheduled to convene, the Executive Board of Teamsters Canada shall recommend, and the General President shall appoint, a replacement from among the elected officers of the Executive Board of Teamsters Canada. The resulting vacancy shall be filled in accordance with the Teamsters Canada Bylaws, in the event such vacancy is in a regionally elected position on the Executive Board of Teamsters Canada, and in accordance with subsection (b) of this Article in the event such vacancy is in the office of a Regional International Vice President from Teamsters Canada.

(d). In the event a vacancy occurs in the office of International Vice President/President of Teamsters Canada one (1) year or more prior to the first day of the month in which the next regular International Convention is scheduled to convene, the Executive Board of Teamsters Canada shall call a Special Convention of Teamsters Canada for purpose of nominating candidates for the office of President of Teamsters Canada. Members of the Executive Board of Teamsters Canada and delegates from Canadian affiliates shall be eligible for nomination. Delegates and alternate delegates elected to the most recent Convention of the International Union shall have the first priority as delegates and alternates to any Special Convention called for the purpose of nominating an individual for the office of President of Teamsters Canada. Additional delegates shall be selected in accordance with the Bylaws of Teamsters Canada, if necessary. In the event more than one eligible candidate is nominated, an election shall be conducted by secret ballot vote of the Cana-

dian membership in a mail ballot referendum. The election shall be conducted under the supervision of the Executive Board of Teamsters Canada, which shall have the authority to make all arrangements to conduct the election. In the interim, the affairs of Teamsters Canada shall be administered in the manner set forth in Article V, Section 6 of the Bylaws of Teamsters Canada.

(e). The International Vice President/ President of Teamsters Canada shall receive full compensation as currently provided by the International Union. The Regional International Vice Presidents shall receive compensation for those offices as provided in Article V, Section 1 of the Constitution. The International Vice President/President of Teamsters Canada may receive additional compensation as provided in the Bylaws of Teamsters Canada.

Supervision of Canadian Local Unions and Joint Councils

Section 6(a). The General President shall consult with the President of Teamsters Canada on a regular basis regarding the affairs of Canadian Joint Councils and Local Unions. The President of Teamsters Canada shall report to the General Executive Board at its regular meetings concerning developments in Canada.

(b). The President of Teamsters Canada shall be consulted with respect to mergers of Canadian Local Unions, the adjustment of the jurisdiction of Canadian affiliates, issuance or revisions of charters of Canadian affiliates, and such other matters as affect the affiliates of the International Union in Canada. Action to revoke or suspend the charter of a Canadian affiliate shall only be undertaken after the President of Teamsters Canada has been consulted and given an opportunity to resolve the problems.

The Executive Board of Teamsters Canada shall be

Art. XXVI, Sec. 6

authorized to take action on matters regarding service contracts, affiliation agreements, mutual aid, and assistance pacts, subject to the approval of the General Executive Board. Teamsters Canada may negotiate the affiliation of other independent labour organizations with the International Union, subject to the approval of the General Executive Board.

(c). In the event the General President determines that conditions exist that would require the imposition of a trusteeship over a Canadian affiliate, he shall consult with the President of Teamsters Canada and seek his assistance in resolving the problems before exercising his authority under Article VI, Section 5 of the Constitution. This shall not prevent the General President from taking immediate action where, in his discretion, the facts indicate the existence of a situation that is imminently dangerous to the Local Union, International Union, or any affiliate. In such a situation, the President of Teamsters Canada shall be fully informed of the imposition of a trusteeship and the reasons such action was necessary.

(d). The Executive Board of Teamsters Canada shall exercise the authority vested in the General Executive Board by Article XII of the Constitution with respect to collective bargaining matters involving affiliates and companies in Canada. The President of Teamsters Canada shall exercise the authority vested in the General President by Article XII of the Constitution regarding such collective bargaining matters. Out-of-work benefits shall be paid to members in Canada from the Teamsters Canada Strike Fund, in accordance with the provisions of Article VII of the Bylaws of Teamsters Canada. Accordingly, payment of out-of-work benefits pursuant to Article XII of the Constitution shall not be made to Canadian members, absent mutual agreement of the General Executive Board and the Teamsters Canada Executive Board.

(e). Local Unions and/or Joint Councils in Canada shall forward copies of all collective bargaining agreements to the President of Teamsters Canada, in addition to filing copies with the Economics and Contracts Department of the International Union.

(f). The President of Teamsters Canada shall have authority to appoint an auditor, after consultation with the General Secretary-Treasurer. The auditor shall follow the auditing procedures specified by the General Secretary-Treasurer. Copies of the audit reports shall be sent to the General Secretary-Treasurer and shall satisfy the requirements of Article VII, Section 7 of the Constitution. Nothing in this Article shall preclude the General Secretary-Treasurer from assigning an International Auditor to perform the audit of any affiliate in Canada, pursuant to Article X, Section 10 of the Constitution.

Assets of Canadian Affiliates

Section 7. In the event the charter of a Canadian Local Union or Joint Council is revoked or suspended, the labour organization or its officers shall turn over all books, documents, property, and funds to Teamsters Canada. Teamsters Canada shall be responsible for ensuring that any outstanding loans, accounts, initiation and reinitiation fees, per capita tax, or any other outstanding financial obligations to the International Union shall be paid, to the extent the assets are sufficient to make such payments. The remaining assets shall be applied to pay any outstanding obligations to Teamsters Canada, if any. All remaining assets, and the books, documents, and property of the affiliate, shall be held by the President of Teamsters Canada for the purpose of reorganization. If no reorganization occurs within a period of two (2) years, such funds shall be divided between Teamsters Canada and the International Union, with sixty percent (60%) of the

Art. XXVI, Sec. 7-8-Art. XXVII, Sec. 1-2

funds transferred to Teamsters Canada and forty percent (40%) transferred to the International Union.

The procedures set forth above shall also apply to the assets of any affiliate that dissolves, disaffiliates, or secedes from the International Union.

Journal

Section 8. Copies of the official Journal of the International Union will be available at all Canadian Local Unions and the International Journal will be sent directly to any Canadian member upon request. The International Union shall pay the costs associated with the publication of the official Journal.

Article XXVII

SAVING CLAUSES

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

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

Section 2. If any provision of this Constitution shall be declared invalid or inoperative by any competent au-

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

Section 3. The General Executive Board shall have the authority to consider changes to this Constitution which may be necessary to resolve any pending or threatened litigation. However, the General Executive Board shall not have authority to agree to amend any provision of this Constitution concerning the rights of any affiliated subordinate body without first obtaining approval from a majority of delegates attending a Special Convention. In such circumstances, a Special Convention must be called if a majority of the members of the General Executive Board agrees to recommend the adoption of any such amendment to this Constitution as a means of resolving pending or threatened litigation. Any Special Convention convened under this Section shall be limited to consideration of the amendment(s) proposed as a means of resolving the matters at issue in the pending or threatened litigation. The delegates to any such Special Convention shall be those members who were delegates to the most recent Convention of the International Union. Any such Special Convention shall be convened and shall consider and reach a final decision with respect to all such proposed amendments within three (3) weeks of the General

Art. XXVII, Sec. 3

Executive Board's vote requiring a Special Convention to be convened.

Nothing in this Section shall affect the validity or the implementation of the Final Agreement and Order in *United States v. International Brotherhood of Teamsters, et al.*, 88 Civ. 4486 (S.D.N.Y.) (LAP).

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