

## Memo/Policy Directives

No.	Pg.	Date	Title	Topic	Synopsis
1	1-2.	Dated 3/03/2025 (replaces 1/23/2023)	Memo Re: Local Chair-Use of Petition for Bills of Allowance	Disbursements	If a quorum is not met, the Local Chair may collect five signatures from active LCA members to authorize a disbursement. The memo also clarifies procedures for Locals with multiple LCAs, pre-meeting signatures on the petition, and the authority of Vice Chairs and Acting Local Chairs. The petition applies only to LCA disbursements for Local Chairs, Vice Chairs, and Acting Chairs.
2	3-10.	Dated 2/13/2025	Memo Re: Local Permitted to Adopt Use of Video Conferencing for Meeting Attendance	Lodge Meetings	This memo outlines the procedures for implementing remote participation through designated satellite locations or personal devices via videoconferencing, while ensuring security and accessibility. Locals must continue holding in-person meetings in accordance with Article 21B, Section 55, with the regular meeting location accessible to all members. However, they may allow remote participation as an additional option for those unable to attend in person.
3	11-12.	Dated 1/23/2023	Letter to A.B. Allison	Billing/Disbursements	Compensation issued for performing service for the union creates a dues obligation in the month following the date on which service is performed.
4	13-14.	Dated 8/13/2020	Memo- Guidelines and Termination of Membership Form	Reporting/Billing	Q&A's have been complied to provide clarification regarding members who apply for membership in the BLET and the handling of their due's deductions.
5	15	Dated 1/27/2020	Memo Re: Funds Held by TD Locals	Funds	There is no authority for any other fund to be established or maintained by a Local and action should be taken to close any other funds including but not limited to Funeral, Scholarship, Sunshine, Arbitration or Negotiation funds

No.	Pg.	Date	Title	Topic	Synopsis
6	16	Dated 9/30/2024 (replaces 1/03/2024)	Memo Re: Changes to Per Diem and Meal Allowance Rates	Disbursements	Locals that approve the reimbursement for per diem may pay up to \$225.00 per day. Locals that approve the daily rate for Meals and Incidental Expenses may pay up to \$80.00 per day. Claim for both per diem and meal allowance is never permitted.
7	17	Dated 12/26/2024 (replaces 12/14/24)	Memo Re: Authorized Maximum Mileage Rate	Disbursements	Locals that approve the reimbursement for mileage driven, may pay up to \$0.70 cents per mile
8	18	Dated 05/20/2024 (replaces 5/10/2023)	Memo Re: General Wage Increase	Disbursements	Locals that choose to use a daily rate for compensating Local officers, may elect to use the committeeperson daily rate set by SMART TD. Effective July 1, 2024, the current rate is \$389.72
9	19	Dated 4/1/2017	Memo Re: Remittance of checks	Billing	If the amount received via the direct receipts process in the SMART TD office is less than the total amount owed, a check must be sent in with the SMART TD billing cover sheet.
10	20-21.	Dated 2/21/2017	Memo Re: Annual and Quarterly Filings to TD	TD Connect/Reporting	Locals that use WinStabs must upload a copy of the back-up file at the end of each fiscal quarter via iLink
11	22	Dated 6/12/2023 (replaces 9/24/2015)	Memo Re: Social Functions and Charitable Contributions	Disbursements	Spending of this kind totaling less than \$1600 must be approved using the two-meeting process outline in Section 48. Spending of this kind totaling more than \$1600 must be authorized via a secret referendum vote. Disbursements of this kind cannot be made from any LCA fund and cannot jeopardize the condition of the Local fund.
12	23-24.	Dated 7/23/2015	Letter to J.G. Barajas	Disbursements	LCA election costs are to be paid for using the Local fund
13	25	Dated 2/24/2015	Letter to D.L. Paitsell	Disbursements	Check must be signed by the Local's S&T and President. Electronic or stamped signatures are forbidden.

No.	Pg.	Date	Title	Topic	Synopsis
14	26-27.	Dated 9/30/2013	Letter to A.B. Eubanks	Disbursements	This letter clarifies the quorum requirements around the two-meeting process for making changes to dues, salaries and assessments as outlined in Section 48.
15	28-29.	Dated 3/13/2013	Letter to P. Trotta	Disbursements	A motion defeated at a Local meeting cannot be reintroduced until the expiration of 90 days.
16	30-32.	Dated 8/19/2013	Letter to R. Chatman	Local Loans	Locals should never issue loans.
17	33	Dated 5/31/2012	Memo Re: Non-direct payroll Locals	Billing	For any carrier that is not on direct receipts, the dues check off/payroll deduction sheets must be sent in with the monthly bill to the SMART TD office.
18	34	Dated 8/3/2010	Memo Re: Policy Directive	Reporting	This policy supports the Local President Financial Oversight form
19	35-37.	Dated 8/25/2020	Memo- Dues, Vacation, Personal Leave, and Retirement- "E49 Status"	Applying E-49	Q&A's to provide clarification on Article 21B Section 49 and how it should be applied
20	38	Dated 9/28/1979	Letter to D.L. Kortum	Billing	An initiation fee for NEW members may be established by the Local and cannot exceed \$25.00.
21	39-40.	Dated 3/9/1979	Letter to L.H. Dallas	Disbursements	Funds belonging to the Local or one LCA may not be used to supplement the fund of another LCA. If there is not enough money to pay disbursements, activity must be limited, or action must be taken to increase available funds.
22	39-40.	Dated 3/9/1979	Letter to L.H. Dallas	Record Keeping	Members have an obligation to keep from outsiders the private proceedings of SMART. Meeting minutes should not be publicly posted or copied for distribution.
23	41	Dated 5/26/1977	Letter to R.J. Rysman	Disbursements	Locals cannot create sick funds or funeral funds.



## MEMORANDUM

**TO:** All Local Presidents, Secretaries, Treasurers, and Local Chairs  
**FROM:** Jeremy R. Ferguson, SMART-TD President  
**DATE:** March 3, 2025  
**RE:** Local Chair - Use of Petition for Bills of Allowance

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This office has received inquiries regarding the procedure that allows Local Chairs to obtain the signatures of five Local Committee of Adjustment (LCA) members on a petition to approve a bill of allowance when a quorum of that LCA (5 active members) is not present at the Local's meeting to consider the claim. In response, the following Q&A's have been compiled to provide new guidance and clarification on these matters. Be advised this document supersedes all prior guidance issued from this office relating to this procedure.

**Q: What procedure should a Local Chair use to be paid for a bill of allowance?**

**A:** The claim should be presented at a meeting of the Local for consideration by the active (not E49) members of the LCA to which the claim was submitted and shall be subject to the majority approval of the active LCA members present. The bill must contain a description of the work performed, including the date(s), the purpose of any requested compensation or expense reimbursements, and all necessary supporting documentation.

**Q: What if a quorum of the Local (5 members in good standing) is not present to conduct the meeting?**

**A:** Provided that the claim was submitted to the Treasurer in advance of or at the time of the meeting, the Local Chair may secure the signatures of five active members of that LCA which will serve as sufficient authority for the Treasurer to pay the bill without further action, provided the LCA has adequate funds.

**Q: In Locals with more than one LCA, what if a quorum of the Local is present, but a quorum of that particular LCA is not present to consider the bill?**

**A:** The claim should still be presented at the meeting, and the meeting minutes should reflect the claim and note that a quorum of the LCA was not present for consideration. The Local Chair may then present the signatures of five active members of that LCA which will serve as sufficient authority for the Treasurer to pay the bill without further action, provided the LCA holds adequate funds.

**Q: In the above scenario, does the Local Chair's signature count as one of the five required?**

**A:** Yes, if the Local Chair is an active member of that LCA.

**Q: May the Local Chair secure the signatures prior to the meeting at which the bill is to be considered?**

**A:** Yes. However, the signatures will not be accepted by the Treasurer for payment prior to the meeting. If a quorum of the Local is not reached at the meeting, the petition shall be accepted. If a quorum of the Local is present at the meeting, but a quorum of that LCA is not present to consider the bill, the petition shall be accepted. If a quorum of the Local is present, and a quorum of that LCA is present to consider the bill, the petition is invalidated, and approval of the bill will be subject to a majority vote of the active LCA members present.

**Q: What is meant by "active members of that LCA" in the above scenarios?**

**A:** It refers to active (not E49) members who paid dues to that LCA on the most recent billing statement as of the date of the meeting at which the claim was or would have been presented.

**Q: Is it ever permissible for a Vice Chairperson to use a petition in the manner described above?**

**A:** Yes, for bills submitted as a result of work performed at the direction of the Local Chair. In this instance, the Local Chair shall sign the petition, or, if unable to do so, the Treasurer may contact the Local Chair to verify work was performed at their direction prior to issuing payment.

**Q: In the above scenario regarding the Vice Chairperson, does the Local Chair's signature count as one of the five required?**

**A:** Yes, if the Local Chair is an active member of that LCA.

**Q: May an Acting Local Chair use a petition in the manner described above?**

**A:** When a Vice Chairperson is acting as Local Chairperson as the result of a vacancy in the position of Local Chairperson, they shall be permitted to submit petitions in the same manner as a Local Chairperson. If the Local Chairperson position is not vacant, the Vice Chairperson who is acting as Local Chair is permitted to submit petitions in the manner described above for Vice Chairpersons.

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Further questions regarding these matters should be directed to the office of the SMART Transportation Division President by calling (216) 228-9400, or by emailing [President\\_TD@smart-union.org](mailto:President_TD@smart-union.org).

## MEMORANDUM

**TO:** All Local Presidents, Secretaries, and Treasurers  
**FROM:** Jeremy R. Ferguson, SMART-TD President  
**DATE:** February 13, 2025  
**RE:** Locals Permitted to Adopt Use of Video Conferencing for Meeting Attendance

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In accordance with SMART Constitution Article 21B, Section 55:

*A Local shall hold at least one regular meeting each month at the time and place specified in its bylaws.*

Further, Article 21B, Section 45, requires that members:

*...keep from outsiders the private proceedings of SMART.*

This memo is to advise that Locals will now be permitted to allow their members to attend meetings using videoconferencing methods. **Although privacy must remain a top priority**, it was necessary to establish procedures for Locals that decide conducting secure online meetings will benefit their members.

To be clear, **this is not intended to replace in-person meetings**. Locals must continue to meet in person in accordance with the above provision of Article 21B, Section 55, and the regular meeting location must be accessible for members wishing to attend in person. However, action may be taken by the Local to allow members not physically in attendance at the regular meeting location the option to (1) attend in person at a **satellite location** established by the Local or (2) **attend online** using their personal devices. Information related to each is addressed below.

### Satellite Meetings

A Local may establish one or more satellite meeting locations at which smaller groups of members can meet to simultaneously participate in the Local's regular meeting through video conferencing. Rather than using personal devices, members will share a common audio/visual setup at each location. The satellite location(s) must be attended by at least one Local officer, Safety and Legislative Representative, Vice Safety and Legislative Representative, or LCA committeeperson who will be responsible for: verifying that only members are in attendance; keeping a register of attendees and providing such to the Local Secretary; maintaining order; ensuring there is an internet connection and a screen sufficient for viewing and participating in the meeting, for connecting to the meeting; and other such duties as may arise.

**What are some considerations prior to moving forward with establishing a satellite location?**

One such consideration is figuring out how to manage additional locations and attendees. Because the Secretary is already tasked with recording the meeting minutes, it is recommended that the Local President appoint one or more members (other than the Secretary) to manage the video conferencing tasks such as admitting satellite locations to the meeting. Consideration should also be given to who will store the equipment and be responsible for setting it up at the meeting location.

Additionally, steps should be taken to ensure that non-members cannot hear or see the meeting. Accordingly, these locations should not be in a public venue, such as a restaurant, where outsiders can see or hear the proceedings.

**Who decides whether a Local will permit satellite meetings?**

The Local's members decide whether to permit satellite meetings. Proposals to establish a satellite location for a certain meeting date or for all regular and special meetings will be considered by the membership at a meeting of the Local. A Local that wishes to establish a satellite location for a specific meeting date may do so by conducting a vote at a prior meeting. Locals wishing to establish a satellite meeting location for all regular and special meetings shall first conduct an in-person vote using the two-meeting process described in Article 21B, Section 39. Once adopted, the Local will be required to conduct satellite meetings until such action is reversed. Accordingly, before taking action to permanently establish a satellite meeting location, Locals are encouraged to first conduct them on a meeting-by-meeting basis to determine whether conducting compliant meetings in this manner will be feasible. Such actions should be documented in the meeting minutes, and the Transportation Division should be notified.

**Who is responsible for notifying members of satellite meetings?**

The Local Secretary shall post notice(s) advising of the satellite meeting's time, date, and location. The notice shall also contain the Local Secretary's contact information.

**Do members attending satellite meetings have the same rights as members attending in person?**

They may be permitted to speak when recognized and may vote on Local issues. However, elections will continue to be handled in accordance with the Local's bylaws, and, in instances where elections are conducted at a meeting of the Local, such voting will be conducted at the regular meeting location only.

**May certain portions of the meeting be blocked from satellite locations?**

Provided at least one Local officer, Safety and Legislative Representative, or LCA committeeperson is present to verify that only members are in attendance, the full meeting shall be accessible to satellite attendees, except as noted herein. While most meeting platforms have a screen sharing feature, for privacy, some documents should not be shared, including Treasurer's Reports and meeting minutes. In the absence of at least one Local officer, Safety and Legislative Representative, or LCA committeeperson who can verify that only members are in attendance, no portion of the meeting shall be shared with the satellite location. Management officials are not permitted to attend any portion of a meeting at the regular location or satellite location - even if they are members.

**Should satellite meeting locations be contained in the Local's bylaws?**

If a Local takes action to permanently establish a satellite meeting location, the bylaws should be updated to reflect such action. The satellite location can be recognized and added to the Section of the bylaws containing the meeting time, date, and location (typically Section I): For example:

*Regular meetings shall be held on the third Thursday of each month at 1 p.m. in the meeting hall at 100 Alfred Lerner Way, Cleveland, OH 44114, and in the meeting hall at the satellite location at 411 Woody Hayes Dr., Columbus, OH 43210, subject to change as provided in Article 21B, Section 55, of the SMART Constitution.*

**May satellite attendees vote on secret ballot issues (other than elections)?**

Yes. These votes should be conducted simultaneously with those being conducted at the regular meeting location. The Local President may appoint the attending officer, representative, or committeeperson, and any other members to serve as Tellers. Again, please note that this does not apply to elections.

**Is a physical quorum required at the satellite meeting location?**

No, satellite attendees will count towards the overall meeting quorum requirement. As a reminder, a quorum is five members in good standing.

**What videoconferencing applications are permissible to use to conduct the meetings?**

Zoom and Microsoft Teams are examples of permissible options. Other applications may be used if they allow all members to hear and see each other. The application should have sufficient features and settings to allow proper control of the meeting, such as the ability to mute those who do not have the meeting chair's permission to speak. The Local should obtain the proper subscriptions required, if any, on their chosen application to ensure the video stream will last for the duration of the meeting.

Locals conducting satellite meetings should only share the link to the meeting with the officer, representative, or committeeperson responsible for the location.

**What audio/video requirements are necessary to conduct a satellite meeting?**

All members should be able to see and hear one another. Accordingly, external microphones and cameras, and either a screen and projector or large monitor, will be necessary. The built-in camera and microphone on a laptop, for example, will not suffice to deliver the audio and video of the in-person meeting to the satellite location. All equipment purchases must be approved by the membership at a regular or special meeting of the Local. Such equipment purchases will be the property of the Local.

**May a non-member be present to assist with audio and video?**

No. The meeting must be recessed in the event a non-member's presence is required for technical assistance.

**Members attending satellite meetings** have the following responsibilities which shall be read by the Local President (or presiding chair) immediately following the opening of the meeting:

- No part of the meeting may be recorded or captured in any way.
- They must view and hear the meeting in a secure manner and must not allow any non-members to see or hear the meeting.
- Each attendee must be prepared to identify themselves, which may include presenting a photo I.D. or their membership card via the SMART App.

Members failing to comply with privacy requirements or engaging in disruptive behavior may have their satellite attendance privileges revoked by the Local President (or presiding chair), subject to the appeal of the Local, and may be subject to charges in accordance with SMART Constitution Article 17 and Article 21B, Section 74(a).

### **Individual Online Attendance**

This section addresses matters relevant to Locals considering granting members the ability to attend meetings online using their personal devices.

#### **What are some considerations prior to moving forward with permitting members to attend online?**

One such consideration is figuring out how to manage what may be a sizeable group of online attendees. Because the Secretary is already tasked with recording the meeting minutes, it is recommended that the Local President appoint one or more members (other than the Secretary) to: keep a register of all online attendees, admit attendees after verifying that they are members, enforce camera requirements, and assist the meeting chair with recognizing “raised hands.”

Consideration should also be given to identifying who will store the equipment necessary for permitting virtual attendance, who will be responsible for setting it up at the meeting location, and who will maintain the meeting application account and retain its username and password.

#### **Who decides whether a Local will permit online attendance?**

The Local's members decide whether to permit online attendance. Proposals to permit online attendance on a certain meeting date, or at all regular meetings and special meetings, will be considered by the membership at a meeting of the Local. A Local that wishes may permit online attendance for a specific meeting date by conducting a vote at a prior meeting. Locals wishing to permit online attendance at all regular and special meetings shall first conduct an in-person vote using the two-meeting process described in Article 21B, Section 39. Once adopted, the Local will be required to conduct regular and special meetings online until such action is reversed or revoked. Accordingly, before taking action to permanently adopt online meetings, Locals are encouraged to first conduct them on a meeting-by-meeting basis to determine whether conducting compliant meetings in this manner will be feasible. Such actions should be documented in the meeting minutes, and the Transportation Division should be notified.

**Do members attending online have the same rights as members attending in-person?**

Members attending online shall have the same rights (ability to participate such as speaking or voting on local issues) as in-person attendees, provided they comply with requirements listed on page 7 of this document. However, elections will remain handled in accordance with the Local's bylaws, and, in instances where elections are conducted at a meeting of the Local, such voting will be conducted at the regular meeting location only. Further, while most meeting platforms have a screen sharing feature, in order to maintain the requisite privacy of the proceeding set forth in the Constitution, some documents may not be shared, including Treasurer's Reports and meeting minutes.

**Who is responsible for providing online meeting access information to members?**

The Local Secretary is responsible for providing online meeting access information to members. Monthly meeting invitations should be sent to members at least ten (10) days prior to the regular meeting date. The Secretary shall ensure that notice is posted at on-duty locations advising of the meeting's time, date, location, the meeting application that will be used (Zoom, Teams, etc.), and contact information for the Local Secretary. Meeting invitations will be sent to each member's email address on file in TD Connect, and should contain the following disclaimer:

*By clicking the meeting link, you agree: not to attend while on duty with the carrier; not to allow carrier officials to see or hear any part of the meeting, even if the carrier official is a member; not to record or capture any part of the meeting; not to use filters or avatars, or have any type of distracting background; and not to share the meeting link. By clicking the meeting link, you also agree: to identify yourself by name on the meeting platform; to keep your camera on at all times; and to view and hear the meeting in a secure manner so as not to allow any non-members to see or hear the meeting. By clicking the meeting link, you understand that: you are responsible for securing your own functional device and a reliable internet connection; you must be prepared to identify yourself to meeting administrators, which may include presenting a photo I.D.; you must keep your current email address on file with the Transportation Division; and you are responsible for monitoring your inbox (including spam folders) and for contacting the Local Secretary prior to the day of the meeting in the event you do not receive the meeting link. By clicking the meeting link, you acknowledge that failing to comply with all requirements or engaging in disruptive behavior may result in: your removal from the meeting; having your online privileges revoked by the Local President (or presiding chair), subject to the appeal of the Local; and charges in accordance with SMART Constitution Article 17 and Article 21B, Section 74(a).*

**Which members, specifically, must the Local Secretary send the meeting link to?**

The link must be sent to active and E49 members of the Local. It should also be shared with DIPP and UTUIA representatives who request to attend. The link shall not be shared with any managers, including managers who are members.

**May certain portions of the meeting be blocked from online attendees?**

The full meeting shall be accessible to online attendees. However, the Local shall have discretion over which portions of the meeting shall be viewable to guests attending from other SMART-TD Locals. Only under extenuating circumstances may a certain portion be blocked from members of the Local attending online to ensure the privacy of a sensitive matter. Further, online attendees may be removed for failing to comply with the requirements listed on page 7. Management officials are not permitted to attend any portion of in-person or online meetings, even if they are members.

**Should online participation be contained in the Local's bylaws?**

If a Local takes action to permanently permit online attendance at its regular meeting, the bylaws should be updated to reflect such action. The following language can be added to the Section of the bylaws containing the meeting time, date, and location (typically Section I): ***“Members may attend online and participate in the proceedings.”***

**May online participants vote on secret ballot issues (other than elections)?**

Yes. However, the meeting application or other electronic voting application must have the capability to conduct secret ballot voting. When such balloting is being conducted, the Local President shall appoint Tellers, who must oversee the process to ensure secrecy. Tellers shall document the voting results of each secret ballot issue, sign the report, and provide it to the Local Secretary for the Local's records. **Please note that this does not apply to elections. Elections require additional secrecy measures subject to Federal regulations, and may not be conducted using meeting application voting, such as the polling feature on Zoom.**

**Is a physical quorum required at the meeting location to conduct the meeting?**

Sufficient membership must still be present to facilitate the audio/video functions at the physical meeting location, but online attendees will count towards the quorum requirement. As a reminder, a quorum is five members in good standing.

**What applications are permissible to use to conduct the meetings?**

Zoom and Microsoft Teams are examples of permissible options. Other applications may be used if they allow the ability to identify each attendee. The application should have sufficient features and settings to allow proper control of the meeting, such as the ability to mute those who do not have the meeting chair's permission to speak. It must also be able to potentially support 100% member attendance and be able to last as long as necessary in duration for the Local to conduct its business. A secret polling feature is required to permit those attending online the ability to participate, so it may be necessary to purchase a subscription.

**What are the audio/video requirements necessary to conduct a meeting online?**

Each member attending online should be able to see and hear a member who is in-person and speaking at the meeting. Accordingly, it will be necessary to have external microphones and cameras. The built-in camera and microphone on a laptop, for example, will not suffice to deliver the audio and video of the in-person meeting to the individual online attendees. Additionally, members attending in person should be able to see and hear those participating online, which may necessitate items such as a screen and projector or a large monitor. All equipment purchases must be approved by the

membership at a regular or special meeting of the Local. Such equipment purchases will be the property of the Local.

**May a non-member be present to assist with audio and video?**

No. The meeting must be recessed in the event a non-member's presence is required for technical assistance at the regular meeting location.

**Members attending online** have the following responsibilities, which shall be read by the Local President (or presiding chair) immediately following the opening of each and every meeting:

- Under no circumstances may a member be in attendance while on duty with the carrier.
- Members may not attend while on carrier property.
- Members must not allow management officials to see or hear any part of the meeting, even if the management official is a member.
- Members shall identify themselves on the meeting platform by entering their name as their screen name for other participants to view.
- No part of the meeting may be recorded or captured in any way.
- Cameras must be kept on at all times. This is not a conference call. Those who cannot be identified by camera must be removed.
- Members may not use filters or avatars or have any type of distracting background.
- Members must view and hear the meeting in a secure manner and must not allow any non-members to see or hear the meeting.
- Earpieces should be used to maximize privacy, and participants should mute microphones unless recognized by the chair to speak.
- By attending virtually, members consent to the terms provided with the invitation link (disclaimer provided above) and agree to not share the link.
- Members are responsible for securing their own functional device and a reliable internet connection.
- Members must be prepared to identify themselves to meeting administrators, which may include presenting a photo I.D.
- The member must keep their current email address on file with the Transportation Division.
- The member is responsible for monitoring their inbox (including spam folders) and for contacting the Local Secretary prior to the day of the meeting in the event they do not receive the meeting link.

Members failing to comply with privacy requirements or engaging in disruptive behavior may have their online privileges revoked by the Local President (or presiding chair), subject to the appeal of the Local, and shall be subject to charges in accordance with SMART Constitution Article 17 and Article 21B, Section 74(a).

## Applicable to Both Satellite and Online Attendees

Special meetings shall be conducted in the same manner as regular meetings. A Local that allows online attendance or attendance at a satellite location at regular meetings shall allow the same at special meetings. As a reminder, members must be provided at least five days' notice prior to special meetings. However, if the purpose of the special meeting is to accept nominations, vote on amendments to bylaws, or vote on items covered in Article 21B, Section 48 (dues, salaries, rates of pay, and assessments), 10 days' notice must be provided.

In the months when **nominations** are held, eligible online and satellite attendees may nominate verbally. However, online participants may wish to submit a nomination petition prior to the meeting to secure their nomination in the event technical difficulties arise during the meeting.

In the months when **elections** are conducted, the method of voting shall be that specified in the Local bylaws. Under extenuating circumstances, a majority vote of those in attendance at the nomination meeting may change the method of voting from in-person to mail (or vice versa). Under no circumstances will election voting be conducted using the voting or polling features of the video conference application.

A Local may, if capable, permit both online attendance and the use of satellite meeting locations. In these instances, precautions should be taken to ensure satellite attendees' votes are counted only once.

Please keep in mind that due to the size or specific circumstances of some Locals, video conferencing may not be beneficial, feasible, or policeable. Accordingly, as a condition of this memorandum, this office reserves the right to revoke or modify a Local's ability to conduct meetings using video conferencing when it believes that such is not in the Local's best interest.

Local Presidents are reminded of the requirements of Article 21B, Sections 76 and 77, regarding Rules of Order and the order of business. Robert's Rules of Order must be followed to the extent possible during online meetings. Attendance will likely increase as a result of online accessibility. With such, a greater degree of formality will likely be required to maintain order. Further, the order of business should be adhered to for efficiency, to permit the Secretary to record proper minutes, and to ensure important portions of the meeting are not overlooked. More information about the order of business may be found in the guide entitled "Local Meeting Basics," available on the Local Toolbox page in the Member Portal of our website.

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Further questions regarding these matters should be directed to the office of the SMART Transportation Division President by calling (216) 228-9400, or by emailing [President\\_TD@smart-union.org](mailto:President_TD@smart-union.org).



January 23, 2023

**VIA EMAIL ONLY**

Mr. Anthony B. Allison  
 Vice Chairperson (GCA-201),  
 Secretary-Treasurer, Local 662  
 8580 Greenes Road  
 Amelia Court House, VA 23002-3522  
 bruceallison67@gmail.com

Dear Sir and Brother:

This responds to your enclosed letter addressed to a member of my staff dated December 24, 2022, received January 3, 2023, requesting that this office review claims submitted by former Local Chairperson Brian M. Laney (LCA-049B) and advise on their handling.

Enclosed with your letter were claim forms submitted by Brother Laney: two dated November 25, 2022, and one dated December 7, 2022. It is noted that each of these claim forms requests four committee days at a daily rate of \$314.38. Also included were separate pages, all dated in November 2022, containing the signatures of members advising that they approved of the payment of four committee days to Brother Laney. One of the included signatures was from Local 662 member Brian Prendergast who has been in E49 status since October of 2021.

Please note that the applicable longstanding ruling states:

*Claims of Local Chairmen should be presented to the local and considered by members working under his jurisdiction. If five members working under his jurisdiction are not present to consider the bill, the Chairman should secure the signatures of five members working under his jurisdiction which will be sufficient authority for the Treasurer to pay the bill without further action. This method is to be used only when a quorum of his members are not present when the bill is presented for consideration.*

Accordingly, signatures must be attained from those working under the jurisdiction of the Local Committee of Adjustment (LCA) and paying dues to that LCA. However, with regard to November's claims, although there were sufficient signatures (6), even without Brother Prendergast, it is my understanding that those signature pages were provided with November's claims, which Brother Laney withdrew. It is also my understanding that those same November signature pages were again submitted for the December claim. Because Brother Laney withdrew November's claims, and because December's claim lacked its own adequate approval, payment shall not be issued at this time.

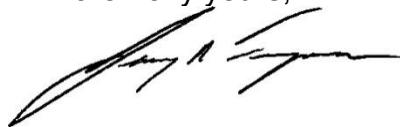
With regard to your statement that Local 662's bylaws prohibit such a payment, I see no evidence of such. Further, such a provision would not apply to LCA claims.

Mr. Anthony B. Allison  
Page 2  
January 24, 2023

By copy of this letter, Brother Laney is apprised of the above and reminded of the following: claims must contain valid dates and reflect the actual activities performed. Further, any claims for compensation or expenses from LCA-049B must first be presented at a meeting of the Local (you need not be present) to allow the affected membership the opportunity to vote on the claim. Only if a quorum of LCA-049B is not present to vote on the claim(s), will the signatures of five active members be regarded as approval.

As further reminder, compensation issued for performing service for the union creates a dues obligation in the month following the date on which service is performed. Should Brother Laney pursue any further claims, the Local's billing may need to be adjusted and dues withheld for the respective month(s). In this instance, you may contact Field Support Representative Justin Fougerousse for assistance with any necessary recordkeeping entries.

Fraternally yours,



Jeremy R. Ferguson  
President - Transportation Division

Enclosure

cc: B. C. Leonard, Vice President - Transportation Division  
R. D. Lee, General Chairperson, GCA-049  
J. P. Ciemny, Secretary (GCA-049), Assistant State Legislative Director,  
(LO-016), Legislative Representative, Local Chairperson (LCA-049),  
Local 1534  
M. Bruce, President, Secretary (LCA-201B), Local 662  
B. M. Laney, Member, Local 662  
J. L. Gibson, Jr., Chief of Staff - Transportation Division  
M. E. Dolin, Director of Administration - Transportation Division  
J. J. Brandow, Executive Assistant to the President - Transportation Division  
R. E. Leichliter, Senior Assistant to the President - Transportation Division  
N. A. Torres, Administrative Assistant to the President - Transportation Division  
K. Andrijowych, Supervisor, Local Support - Transportation Division  
J. Fougerousse, Field Support Representative - Transportation Division



## Transportation Division MEMORANDUM

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**TO:** Transportation Division (TD) Treasurers and Secretary-Treasurers  
-- Rail Locals

**FROM:** Jeremy R. Ferguson, President - Transportation Division

**DATE:** August 13, 2020

**RE:** Member Moving to BLET - Guidelines and Termination of Membership Form

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The following Q&A's have been compiled to provide clarification regarding members who apply for membership in the BLET and the handling of their dues deductions. Be advised this document supersedes all prior guidance issued from this office regarding the following.

**Q: If a member of SMART applies for membership in the BLET, what documents are necessary before dues deductions payable to SMART may cease?**

**A:** The Treasurer of the SMART Local must obtain from them a signed, dated, Termination of Membership Form. Because a member is not prohibited from maintaining membership in both organizations, the form is necessary to document their request to cease dues payable to SMART. Dues will cease in the coordinating payroll calendar month in which the form is submitted and is not retroactive, regardless of the date on the document. For example, if a Termination of Membership Form is submitted in July, but payroll deductions are already in place for an August pay date, those dues will be applied for September and the member will be noted "Inactive" thereafter with "Moved to BLET" listed as the reason.

**Q: Are there any other instances in which the Termination of Membership Form should be used?**

**A:** No. This form should only be used for members who have both requested to end membership in SMART and have began membership in the BLET.

**Q: Where can I find the Termination of Membership Form?**

**A:** This form can be found on the Transportation Division website at [www.smart-union.org/td](http://www.smart-union.org/td) on the “Local Toolbox” page under the “Membership Forms” tab.

**Q: What else is necessary before dues to SMART may cease?**

**A:** The Treasurer of the SMART Local must contact the Treasurer of the BLET Local to verify the individual has applied for membership and authorized the deduction of union dues.

**Q: If a member of SMART begins membership in the BLET, but fails to submit a Termination of Membership Form, will they be entitled to a refund from SMART for any months in which they paid dues to both organizations?**

**A:** No. As mentioned above, members are not prohibited from maintaining membership in both organizations. In order to document a request for dues to cease, a Termination of Membership Form must be submitted.

**Q: Once a member has submitted a Termination of Membership Form, are they entitled to a refund of any dues already deducted, or in place to be deducted, for the upcoming month(s)?**

**A:** No. It will be the responsibility of the other organization to begin their initial deduction of dues accordingly.

**Please note:** When a member is no longer remitting dues to the Organization - for any reason - it is important that their membership status be accurately updated in TD Connect.

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Further questions regarding these matters should be directed to the office of the SMART Transportation Division President by calling (216) 228-9400, or by emailing [President\\_TD@smart-union.org](mailto:President_TD@smart-union.org).



## Transportation Division MEMORANDUM

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**TO:** All Transportation Division (TD) Locals  
**FROM:** Jeremy R. Ferguson, President - Transportation Division  
**DATE:** January 27, 2020  
**RE:** Funds Held by TD Locals

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Please note SMART Constitution Article 21B, Section 48, provides authority for Transportation Division Locals to establish and maintain a Local fund to pay expenses of the Local, and a Local Committee of Adjustment (LCA) fund for each of the Local's LCAs to pay the cost of representation by the LCA. While these funds are accounted for separately, the monies should together be secured in a single business checking account. There is no authority for any other funds to be established or maintained by a Local, and action should be taken to close any other funds, including but not limited to:

- funeral funds
- scholarship funds
- sunshine funds or flower funds
  - arbitration funds
  - negotiation funds

When seeking to approve expenses and disburse funds for legitimate purposes related to the Local or its LCAs, action should be taken by Locals and their LCAs, and recorded in meeting minutes. Note, for example, a memorandum from this office dated September 24, 2015, addresses procedures for approving and disbursing monies from the Local fund for charitable and social purposes. (Under certain circumstances, provisions for social and charitable spending can be included in Local bylaws.) LCA dues and salaries should be established and budgeted at levels allowing for each LCA to accrue a fund capable of supporting the expenses anticipated for arbitrations and negotiations, with disbursements from each LCA fund approved by the membership as expenses occur.

Please contact this office if guidance is needed to close out any funds.

September 30, 2024

**VIA EMAIL ONLY**

All Transportation Division

Officers and Board Members

General Chairpersons and Secretaries, General Committees of Adjustment

Directors and Secretaries, State Legislative Boards

Special Representatives and Committee Members

Field Auditors, Organizers, Regional Insurance Managers, and Employees

Re: Changes to Per Diem rates- October 2024

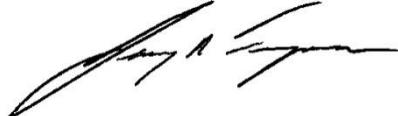
Dear Sisters and Brothers:

The IRS issued its review of Per Diem and Meal & Incidental Expense rates for 2024, under the Internal Revenue Service Notice 2024-68.

Therefore, in accordance with the Report and Claims Procedures Manual dated January 13, 2021, the increased rate for daily Per Diem is \$225.00. The daily rate for Meals and Incidental Expense (M&IE) is increased to \$80.00.

The applicable daily rate identified in this notice will automatically be adjusted for service claimed beginning October 1, 2024, in the TD Connect system. As a reminder, claim for both per diem and meal allowance is never permitted.

In Solidarity,



Jeremy R. Ferguson  
President - Transportation Division

cc: B. C. Leonard, Vice President - Transportation Division  
J. L. Gibson, Jr., Chief of Staff - Transportation Division  
M. E. Dolin, Director of Administration - Transportation Division  
M. O'Reilly, Supervisor, Accounting Department - Transportation Division  
M. Vajentic, Director of Information Services - Transportation Division

bc: J. Brandow, R. Leichliter, N. Torres, K. Andrijowych, J. Albrecht, D. Majher,  
C. Morgano, J. Becker-UTUIA, Mike Vega/OnBase



December 26, 2024

**VIA EMAIL ONLY**

All Transportation Division

Officers

Chairpersons and Secretaries, General Committees of Adjustment

Directors and Secretaries, Safety and Legislative Boards

Secretaries and Treasurers, All Locals

Field Support Representatives & All Special Representatives

UTUIA Regional Insurance Managers

Re: Authorized Maximum Mileage Rate  
 Increase effective January 1, 2025

Dear Sisters and Brothers:

The Internal Revenue Service issued an increase for 2025 standard mileage rates used to calculate the deductible costs of operating an automobile for business. Beginning on January 1, 2025 the standard rates for the use of an automobile will be 70.0 cents per mile for business miles driven.

Therefore, I am authorizing automobile mileage allowance consistent with the maximum rate set by the Internal Revenue Service (Issue Number: IR-2024-312, Notice 2025-5), effective January 1, 2025. The automobile rate will be increased by 0.3 cents, from 67.0 cents per mile to 70.0 cents per mile.

In Solidarity,

A handwritten signature in black ink, appearing to read "Jeremy R. Ferguson".

Jeremy R. Ferguson  
 President - Transportation Division

cc: J. L. Gibson, Jr., Chief of Staff - Transportation Division  
 M. E. Dolin, Director of Administration - Transportation Division  
 J. Becker, Secretary and Treasurer, UTUIA



## MEMORANDUM

**TO:** All Local Presidents, Local Secretaries, and Local Treasurers

**FROM:** Jeremy R. Ferguson, SMART-TD President

**DATE:** May 20, 2024

**RE:** TD Locals Advised of TD Committeeperson Rate Increase

This memo is to advise that the committeeperson rate used by the SMART Transportation Division will increase from \$372.94 to \$389.72, effective July 1, 2024. This amount reflects the 4.5% general wage increase provided in Article I, Section 5, of Public Law No. 117-216, effective July 1, 2024.

As a reminder, Locals and LCAs may adopt the use of the SMART-TD committeeperson rate, or they may establish their own rates, in accordance with Article 21B, Section 48, of the SMART Constitution. Regardless of which rate Locals and LCAs approve, meeting minutes should document the membership's approval of that rate. Rates used by Locals should also be reflected in the Local's bylaws.

Please feel free to contact my office with any questions related to the above.

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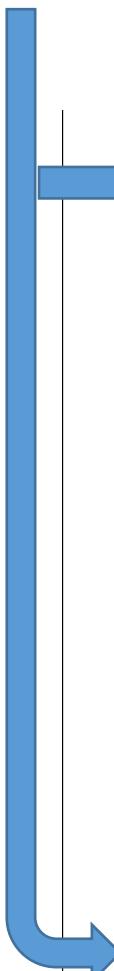
SMART Transportation Division  
216-228-9400

April 1, 2017

Local Treasurers,

To reduce the occurrence of deficits to the local surplus payments, we are instructing those locals that are on Direct Receipts to **always remit checks** to the Transportation Division for any billing total that is greater than the direct pay amount. This is in addition to any checks remitted for UTU PAC.

This practice is to begin with the **April 2017 billings**.



**SMART TD LOCAL TREASURER'S MONTHLY REPORT [ MARCH, 2017 ]** Local

<b>Billing Chk # 6739</b>	<b>547.46 **</b>
<b>PAC Chk # 6740</b>	<b>36.72 **</b>

Treasurer Reported			Applied		
UTUIA - LIFE					
UTUIA - AsH					
Total INS. Premium		0.00			
TB	0	0.25		0.00	
<b>A) Total INS. &amp; TB</b>		<b>0.00</b>			
PA1 Adjustment (+/-)		0.00			
<b>International Dues</b>					
Int1	44	0	30.50		1,342.00
Int2	0	0	0.00		
Int3	0	0	0.00		
<b>Total International</b>			<b>1,342.00</b>		
<b>Legislative Dues</b>					
Leg1	44	0	25.00		1,100.00
Leg2	0	0	0.00		
Leg3	0	0	0.00		
<b>Total Legislative</b>			<b>1,100.00</b>		
GCA			1,340.00		
D/IPP			291.60		
Group Disability	33		1,618.29		
<b>B) Total Dues &amp; Asst</b>		<b>5,691.89</b>			
Expense Supplies		0.00			
Expense Bond		120.83			
<b>C) Expenses Total</b>		<b>120.83</b>			
Total of A, B and C		5,812.72			
Minus Direct Pay		5,265.26			
<b>Total Remitted UTU</b>		<b>547.46</b>			
PAC CONTR. (A-64)		196.19			
Minus Direct PAC		159.47			
<b>Total Remitted PAC</b>		<b>36.72</b>			

GCA			Members	Amount	Total
001	4		33.00	132.00	
261	3		41.00	123.00	
386	35		31.00	1,085.00	
			42	1,340.00	

LCA			Members	Amount	Total
001	4		12.50	50.00	
261A	3		11.00	33.00	
386	35		12.50	437.50	
			42	520.50	

Membership Receipt Requirements		
Intl. Ins Prem & T.B		0.00
Intl. Dues & Assts		5,691.89
UTU Pac Contributions		196.19
Group Disability		2,311.50
Local Special Assts		0.00
Local Dues	42	0.00
	0	0.00
	0	0.00

Contact Billing Audit Department Supervisor, Barbara Bankston, with questions at 216-227-5266 or [bbankston@smart-union.org](mailto:bbankston@smart-union.org).



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**TO: All Local Treasurers**

**DATE: February 21, 2017**

**RE: Annual and Quarterly Filings to TD**

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By letter dated March 2, 2015 (copy enclosed), Local Treasurers were notified of a new policy directive requiring Transportation Division locals currently using WinStabs to upload WinStabs back up files at the end of fiscal quarter.

This policy was approved by the SMART General Executive Council and serves as a quarterly report to the international, but does not require local trustee sign off. Locals are required to upload data at the end of each quarter. This functionality can be found under the TWA-WinStabs menu item and step-by-step WinStabs Backup Data File Upload Instructions are enclosed.

Please be advised that locals are instructed to NOT re-name their upload files per these instructions.

If you have any additional questions, please contact Katy Andrijowych, Field Services Assistant, at [kandrijowych@smart-union.org](mailto:kandrijowych@smart-union.org) or 216-227-5432 for further assistance.

# International Association of Sheet Metal, Air, Rail and Transportation Workers

1750 New York Avenue, N.W.  
Suite 600  
Washington, DC 20006



Phone: (202) 662-0845  
Fax: (202) 662-0893  
Email: jsellers@smart-union.org

**Joseph Sellers, Jr.**  
General Secretary-Treasurer

March 2, 2015

## TO LOCAL TREASURERS OF SMART - TRANSPORTATION DIVISION

Re: Annual and Quarterly Filings

Dear Brothers and Sisters:

As you know, it is imperative that locals complete all regulatory filings with government agencies and with the Transportation Division of SMART timely and accurately. Examples of such reporting include, the Treasurer's Annual Report, LM2 or LM3 (DOL), FORM 990 (IRS) and FORM OE1a (RRB) used in reporting creditable service, compensation and taxable earnings. As information, the Transportation Division is currently under a multiyear audit by the Railroad Retirement Board due to missing OE1a data from our locals.

In anticipation of your annual filling requirements, please be advised that new functionality has been developed within iLink to afford locals currently using WinStabs the ability to upload data backups. Furthermore, with persistent risk of machine failures and malicious software attacks this new functionality will act as a potential disaster recovery site for your local.

Effective with the 1<sup>st</sup> quarter of 2015, the SMART General Executive Council has approved a policy requiring Transportation Division locals to upload WinStabs backup files each quarter. These uploads will serve as a quarterly report to the international, but will not require local trustee sign off. There are no restrictions in the amount of uploads a local can process, but it is required locals upload data at the end of each quarter. This new functionality can be found under the TWA – WinStabs menu item and enclosed are step by step instructions.

If you have any additional questions, please contact the billing and audit department for further guidance.

Fraternally,

A handwritten signature in black ink that reads "Joseph Sellers, Jr." It is written in a cursive, flowing script.

Joseph Sellers, Jr  
General Secretary-Treasurer



## MEMORANDUM

**TO:** All Local Presidents, Secretaries, and Treasurers  
**FROM:** Jeremy R. Ferguson, SMART-TD President  
**DATE:** June 12, 2023  
**RE:** Social Functions and Charitable Contributions -  
Article 21B, Section 48 - Local Funds

---

The following ruling, enforced since February 2, 1973, and last adjusted for inflationary trends on September 24, 2015, has been updated to further adjust the dollar amount for inflation:

"Expenses for social functions, charitable contributions, etc. exceeding \$1,600.00 must be authorized by a majority of votes cast in a secret mail referendum vote of all in-service members. Expenses not exceeding \$1,600.00 must be approved in accordance with the principle of the SMART Constitution's Article Twenty-One B (21B), Section 48, lines 8-15; that is, the proposition must be read at one regular meeting, and notice extended to all members of the meeting date on which the proposition will be considered. The proposition must have approval by a majority vote of the members voting by secret ballot in attendance on the date the proposition is considered. No such disbursement is to be made where the condition of the Local fund can be jeopardized. No such disbursement should be made from the Local Committee of Adjustment fund(s), as such is for representational use only."

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Any questions should be directed to the office of the SMART Transportation Division President by calling (216) 228-9400 or by emailing [President\\_TD@smart-union.org](mailto:President_TD@smart-union.org).



# Transportation Division

24950 COUNTRY CLUB BLVD., STE. 340 • NORTH OLMSTED, OHIO 44070-5333  
PHONE: 216-228-9400 • FAX: 216-228-5755 • [www.utu.org](http://www.utu.org)

JOHN PREVISICH  
President

July 23, 2015

Mr. Jose G. Barajas  
Acting Local Chairperson (LCA-875A), Local 1565  
812 S. 4<sup>th</sup> Street  
Alhambra, CA 91801

Dear Sir and Brother:

This responds to your letter dated July 17, 2015, regarding the pending elections to address the vacancies in the positions of LCA-875A Local Chairperson and Trustee at Local 1565.

According to your letter, at a recent meeting, members of Local 1565 adopted a motion to compel LCA-875A's fund to absorb the costs related to the Local Chairperson election.

By copy of this letter, Local 1565 President Shirley L. Anderson, Local 1565 Treasurer Quintin L. Wormley and Local 1565 Secretary Victoria Winge are advised that a motion to require an LCA fund to bear the costs of an election is out of order, as it is a function of the Local and its fund to support elections. Be advised LCA and GCA funds are reserved exclusively for representational matters related to the contract and members' rights under their contract.

It is noted you indicate in your letter that the adopted motion called on the Secretary, the President, the Treasurer and a Trustee of the Local to all go together to secure a P.O. Box at the post office, as well as to make arrangements together for the printing of the ballot. Further, you indicate in your letter that the adopted motion calls for the costs for these tasks to be borne by the LCA fund.

By copy of this letter, President Anderson, Treasurer Wormley and Secretary Winge are advised the tasks described above are to be handled by the Secretary alone, pursuant to the SMART Constitution's Article Twenty-One B (21B), Section 57, and any expenses related to these tasks are to be covered by the Local fund, not the LCA fund. There is no reason four officers are needed to make these arrangements, and no reason the members of Local 1565 should foot the expenses of having four officers handle business that should be handled by one officer, in accordance with the SMART Constitution.

In addition, it appears from your letter that plans were in place to run the Local Chairperson election, and then run the election to fill the Trustee vacancy separately.

By copy of this letter, President Anderson, Treasurer Wormley and Secretary Winge are instructed to make arrangements to run these two elections concurrently as a means of reducing expenses.

Mr. Jose G. Barajas  
July 23, 2015  
Page 2

I trust the above addresses your concerns.

Fraternally yours,



John Previsich  
President - Transportation Division

cc: J. Sellers, Jr., General President - SMART  
J. E. Lesniewski, Vice President – Transportation Division  
A. S. Reddy, Vice President-Bus – Transportation Division  
C. K. Studivant, Vice President-Bus – Transportation Division  
V. G. Baffoni, International Representative – Transportation Division  
M. A. Gudino, General Chairperson, GCA-875  
G. R. Camacho, Secretary, GCA-875  
S. L. Anderson, President, Local 1565  
V. Winge, Secretary, Local 1565  
Q. L. Wormley, Treasurer, Local 1565  
M. E. Dolin, Director of Administration – Transportation Division  
J. P. Weisbarth, Executive Assistant – Transportation Division  
J. J. Brandow, Administrative Assistant – Transportation Division

February 24, 2015

Mr. David L Paitsell  
Secretary-Treasurer, Local 72  
351C S. Boo Road  
Chesterton, IN 46304-9692

Dear Sir and Brother:

It has come to the attention of this office that Local 72's disbursements by check carry electronically applied or stamped signatures.

Please be advised such practice is not permissible. Checks issued on behalf of Local 72 must bear the "live" signatures of the Secretary-Treasurer and the Local President.

I trust the above is self-explanatory.

Fraternally yours,



John Previsich  
President – Transportation Division

cc: J.E. Lesniewski, Vice President – Transportation Division  
W.J. Banks, Jr., President, Alternate Legislative Representative, Local 72  
J.P. Weisbarth, Executive Assistant – Transportation Division  
M.A. Spangler, Director, Billing/Audit Department – Transportation Division  
M.E. Dolin, Director of Administration – Transportation Division

M. B. FUTHEY JR.  
President, Transportation Division

JOHN PREVISH  
Assistant President,  
General Secretary and Treasurer,  
Transportation Division



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NORTH OLMSTED, OHIO 44070-5333

PHONE: 216-228-9400 • FAX: 216-228-5755

[www.utu.org](http://www.utu.org)

## Transportation Division

September 30, 2013

Mr. Aaron B. Eubanks  
President, Local 656  
P.O. Box 15671  
Little Rock, AR 72231-5671

Dear Sir and Brother:

This responds to your letter dated September 25, 2013, seeking clarification of the quorum requirements when handling a proposition to change Local Committee of Adjustment (LCA) dues, the daily rate or salary established for Local Committeepersons, or the levying of a special assessment, as per the provisions of Article 48 of the UTU Constitution.

Also, you ask for clarification of the applicability of a provision of Local 656's bylaws calling for the bylaws document to be approved via secret ballot by a majority of the members present at two meetings.

Regarding the bylaws provision, be advised this provision is to apply to the bylaws document only, and does not mean that a dues or salary proposal being handled via the provisions of Article 48 needs to be voted upon twice.

To be clear, the bylaws document, itself, must be read at two meetings and approved by a majority of members present at each meeting, voting by secret ballot, before it can be sent to this office for final review and approval, regardless of what may be contained in the bylaws document.

Meanwhile, with respect to your questions concerning Article 48 procedures, be advised that as long as a quorum of UTU members is available to open and conduct a meeting, a proposition to change LCA dues, the daily rate or the salary established for a Local Committeeperson, or the levying of a special assessment on the members of the LCA, can be introduced on the floor, even though a quorum of affected LCA members may not be present.

As long as one LCA member states the proposal, and another seconds the proposal during a meeting where a quorum (five) of UTU members is present, the proposal is valid.

Once such proposition has been made at the first meeting, affected members of the LCA may take action to amend the motion during that first meeting.

For example, one member may rise and say, "I propose we increase our Local Chairperson's salary by \$25 per month, effective September 1, 2013." The officer chairing the meeting (likely the Local President) must then receive a "second." Once the proposition has been seconded, another affected member can rise and say, "I move the proposition be amended such that the \$25 salary increase does not become effective until January 1, 2014." If that proposition is seconded, and there is no further discussion or amendments, the chair calls for a vote on the amendment to the main motion. If the amendment is approved, that means the main motion would now be a proposal calling for the Local Chairperson's salary to be increased by \$25, effective January 1, 2014.

Before the above main motion can be voted upon, all members working under the jurisdiction of the LCA must be notified of the proposition and the date on which the proposition will be considered. No further action is taken during the first meeting where this proposition arose.

Be further advised there does not need to be a quorum of affected LCA members at the meeting where the proposition is to be voted upon by secret ballot, as long as all affected members were notified of the proposition and the date on which it would be voted upon. At that second meeting, no further discussion or amendments to the motion can be made.

To summarize, a quorum of LCA members does not need to be present at a meeting where a quorum of UTU members are present for a motion to be made by a member of that LCA to change LCA dues, to levy a special assessment, or to alter the daily rate or salary established for a Local Committeeperson. There only needs to be one member of the affected LCA in attendance to state the proposition, and another to second it. Then, all members of the LCA must be notified of the proposition and the date on which the proposition will be considered. When that date comes up, a quorum of UTU members must be available to conduct the meeting, but voting on the LCA proposal can take place even if a quorum of LCA members is not present, as long as all members of the affected LCA were notified of the proposition and the date on which it would be voted.

I trust the above offers the guidance you seek.

With best wishes, I remain

Fraternally yours,



M. B. Futhey, Jr.  
President – Transportation Division

cc: J. Previsich, Assistant President/General Secretary and Treasurer  
Transportation Division  
K. M. Bennett, Secretary-Treasurer, Local 656  
J. D. Eubanks, Retired Member, Past President, Local 656

M. B. FUTHEY JR.  
President, Transportation Division

JOHN PREVISICH  
Assistant President,  
General Secretary and Treasurer,  
Transportation Division



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PHONE: 216-228-9400 • FAX: 216-228-5755  
www.utu.org

## Transportation Division

March 13, 2013

Mr. Peter B. Trotta  
President, Vice Local Chairperson (LCA-387A), Local 426  
1519 S Lincoln Street  
Spokane, WA 99203-1051

Dear Sir and Brother:

This responds to your e-mailed letter to this office dated March 7, 2013, in which you pose four questions regarding a request signed by five members in good standing for a special meeting to entertain a motion already handled and rejected during the Local's regular monthly meeting.

According to your letter, during the regular monthly meeting of Local 426 held on February 26, 2013, a member introduced a motion to withdraw from voluntary participation in the BNSF safety program. The motion failed. On March 4, 2013, you received a petition to call a special meeting in accordance with Article 55 of the UTU Constitution for the purpose of considering a motion to withdraw from voluntary participation in the BNSF safety program. The first of the five signatures on the petition was that of the member who previously introduced this motion at the February 2013 meeting of Local 426.

Your questions regarding the above situation will be repeated below, with the answer to each immediately following.

**Question #1:** "How often must a motion that did not pass be considered by our Local?"

**Answer #1:** Past UTU Presidents several years back set a policy that a motion defeated at a Local meeting could not be reintroduced until the expiration of ninety (90) days. Documents on file with this office indicate this policy was supported by the UTU International Board of Directors, and was put in place so a Local's business is not disrupted by the continual introduction of the same issue at every meeting.

**Question #2:** "Must I call a special meeting for a matter that was decided by our Local in our previous meeting?"

**Answer #2:** No. Only if 90 days have expired since the issue was last considered by members of the Local should a special meeting be called to give the matter consideration.

Mr. Peter B. Trotta  
Page 2  
March 13, 2013

**Question #3:** "May the Local consider a ballot referendum for an issue that was just recently voted on, from the floor, in our monthly meeting?"

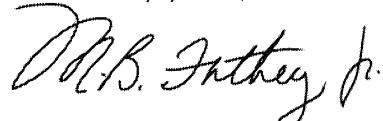
**Answer #3:** No. Only if 90 days have expired since the issue was last considered by members of the Local should the matter again be given consideration.

**Question #4:** "If a mail ballot referendum is required to be considered, do the provisions of Article 80(b) apply, or would a majority vote of members present at a meeting be required to authorize a mail ballot vote?"

**Answer #4:** Article 80(b) is only applicable when 25% of members working in a craft in the territory involved petition the Local to circulate a referendum ballot on an issue to be voted upon which involves a change in local working conditions in the territory over which the Local has jurisdiction. In the event that 25% of the members working in a particular craft signed a petition requesting a referendum ballot, a mail ballot would be issued as per the provisions of Article 80(b). However, while Article 80(b) is not applicable in all instances where a motion involves a mail referendum ballot to decide an issue, a majority vote of members present at a meeting can be sufficient to authorize a mail referendum vote. Article 80(b) generally is not applicable in a vote on whether a UTU Local participates in a safety program, but regardless of whether Article 80(b) is applicable, only if 90 days has expired since a matter has last been considered by members of a UTU Local should the matter again be given consideration.

I trust the above offers the guidance you seek.

Fraternally yours,



M. B. Futhey, Jr.  
President – Transportation Division

cc: J. Previsich, Assistant President/General Secretary Treasurer - Transportation Division  
B. S. Neely, Secretary-Treasurer, Local 426

M. B. FUTHEY JR.  
President, Transportation Division

JOHN PREVISICH  
Assistant President,  
General Secretary and Treasurer,  
Transportation Division



24950 COUNTRY CLUB BLVD., STE. 340  
NORTH OLMSTED, OHIO 44070-5333  
PHONE: 216-228-9400 • FAX: 216-228-5755  
www.utu.org

## Transportation Division

August 19, 2013

Mr. Ronald C. Chatman  
Member, Local 1700  
P.O. Box 1361  
Perris, CA 92572-1361

Dear Sir and Brother:

This responds to your e-mailed letter dated August 16, 2013, as well as your phone call to this office on the same date.

In your letter and phone call, you described a situation which allegedly occurred at a meeting you did not attend. In the scenario you described, a quorum of members representing a relative minority of total members of the Local voted to approve the disbursement of money from the Local fund to assist a member who was given a three-week suspension from work. You indicate that the "members who attended the meeting had been advised by the executive board not to reveal the amount given or the name of the recipient."

You asked two questions in your letter. I will repeat each question, and follow it with an answer.

**Question #1:** "At any given time, or issue at hand, will a minority vote of the total membership have the right to designate funds from 'local dues' which is by nature a fiduciary account?"

**Answer #1:** Yes. There are many situations when a relative minority of a Local's total membership is called upon to approve the disbursement of funds.

Note that lines 14-15 of Article 55 of the UTU Constitution reads: "*Five (5) members in good standing shall constitute a quorum for the transaction of business.*" Assuming a quorum is on hand, members at a regular monthly meeting of the Local may be called upon to approve a bill of allowance submitted by one of the Local Officers, such as the Local President or the Local Secretary. In such an instance, those in attendance are authorized to vote on the bill of allowance that's been submitted. In such an instance, a relative minority of the Local's total membership can approve the disbursement of such funds.

In another example, Article 48 of the UTU Constitution describes a two-meeting process for changing Local dues, the daily rate or salary established for a Local Officer or Legislative Representative, or the levying of a special assessment. Once such a change is proposed at one meeting, a notice is to be posted between meetings advising members of the proposition, as well as the place, time and date when the proposal will be voted upon.

Mr. Ronald C. Chatman  
Page 2  
August 19, 2013

A vote is then conducted at the next meeting. Once such notice is posted, the only requirements in conducting that vote is that those in attendance be members in good standing eligible to vote. Under this scenario, where a posting has alerted members to the proposition, as well as the date, time and location where the proposition will be voted upon, those who show up and vote may well represent a relative minority of the total membership of the Local.

**Question #2:** "At any given time, or issue at hand, will a minority vote from the total membership have the right to move without the vote of the majority 'in good standing' union members?"

**Answer #2:** Yes. See the answer to Question #1.

It is my understanding, however, that the concern you expressed in your phone call to this office was that the Local had approved and disbursed a financial loan or a financial gift to a member who had fallen behind with his or her bills, and you were concerned about the propriety of such action, especially since relatively few members were informed about the action.

A member of my staff gave you advice that I will repeat in this letter.

**It is not the role of a Local to issue loans to its members, and any such motion arising in a meeting should be ruled by the presiding officer as being out of order. The Local should never issue loans.**

So far as making charitable gifts or expending Local funds for social functions, a long-standing ruling by this office addresses this matter. Enclosed is a copy of a memorandum issued September 10, 1980, which addresses such matters and remains in force. Essentially, it requires that such gifts or social expenditures exceeding \$600.00 be authorized by a majority of votes cast in a secret mail referendum vote of all in-service members. Such expenses not exceeding \$600.00 must be approved in accordance with the two-meeting procedure outlined by Article 48 of the UTU Constitution.

It remains unclear as to whether Local 1700 actually gave or loaned money to one of its members. However, should Local 1700 face such a situation in the future, its officers and members should be guided by the above ruling.

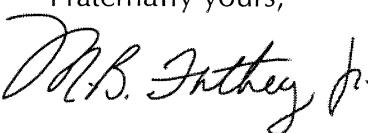
It is also suggested that, should the Local face a similar situation in the future, members should informally "pass the hat" to seek voluntary out-of-pocket donations for the troubled brother or sister, rather than involve union funds. This can be done very informally on the spot, or can involve getting an account set up at a local bank to handle contributions.

Mr. Ronald C. Chatman  
Page 3  
August 19, 2013

Further, if true, it is troubling that you allege "members who attended the meeting had been advised by the executive board not to reveal the amount given or the name of the recipient."

As a matter of information, the Local's books and the minutes of its meetings should be available for inspection by any member who wishes to examine them. No copies of the books or minutes may be made, distributed or circulated (in deference to the constitution's Article 45 provisions to "...ke ep from outsiders the private proceedings of the United Transportation Union...."), but the finances and actions of the Local should be transparent to all of its members. There should be no secret disbursements made at any time for any reason to any party.

I trust the above offers the guidance you seek.

Fraternally yours,  


M.B. Futhey, Jr.  
President – Transportation Division

Enclosure: Article 48 Memo dated Sept. 10, 1980

cc: J. Previsich, Assistant President/General Secretary Treasurer - Transportation Division  
B. L. Morr, Vice President – Bus, Transportation Division  
G. D. Miller, President, Delegate, General Chairperson (GCA-SLT), Local 1700  
B. D. Flores, Secretary, Local 1700  
R. M. Gleason, Treasurer, Local 170

# Interoffice

## MEMORANDUM



To: Local Treasurers

From: K. N. Thompson, GS&T

cc: M. Spangler, Director, Billing/Audit/Update Department

Re: Non-direct payroll Locals

Date: May 31, 2012

Please be advised, effective with the June 2012 Treasurer's monthly billing, any Local that is not on direct receipts for their payroll is requested to submit their payroll deduction sheets to the International with their billing each month.

By so doing, this permits our auditors to perform their functions using the same process for all Locals. This will assist the auditors in the performance of their duties and provide a more complete record by which reconciliation of the monthly billing can be accomplished.

KNT

August 3, 2010

All Local Treasurers  
United Transportation Union

Re: Policy Directive

Dear Brothers and Sisters:

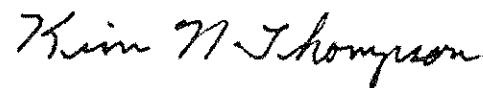
All representation efforts of UTU at every level are supported with dues paid by our members. These monies must be afforded every reasonable protection in order to ensure proper handling and disbursement as intended. Policies of UTU along with provisions of the UTU Constitution include checks and balances that provide for that protection.

Occasionally, it is determined that reasonable protection requires a revision of policy. Such is the case herein.

Effective immediately, all Local Treasurers are to arrange with the financial institutions in which Local funds are held in account, for duplicate monthly statements to be provided directly to the Local President in addition to that provided the Local Treasurer. Duplicate statements may be paper or the electronic equivalent, but should be provided by the financial institute directly to the Local President.

Please confirm to this office when compliance with this Directive is accomplished.

Fraternally yours,



Kim N. Thompson  
General Secretary and Treasurer

cc: M. B. Futhey, Jr., International President  
A. Martin, III, Assistant President  
All General Chairpersons (via USPS)  
All Local Presidents (via USPS)

bc: T. Secord, J. Horvath, B. Feltmeyer, International Auditors, M. Spangler, B. Bankston

KNT:nm



## Transportation Division MEMORANDUM

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**TO:** All Transportation Division (TD) Locals  
**FROM:** Jeremy R. Ferguson, President - Transportation Division  
**DATE:** August 25, 2020  
**RE:** Dues and Vacation or Personal Leave Pay, "E-49" Status, and Retirement

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The following is in reference to the SMART Constitution's Article 21B, Section 49 (Payment of Dues and Assessments), and how it should be applied when collecting dues from members who are not engaged in transportation service, and when vacation or personal leave pay is the only compensation received by a member in a calendar month. The following Q&A's have been compiled to provide clarification on these matters. Be advised this document supersedes all prior guidance issued from this office relating to the payment of dues and assessments.

**Q: What creates a dues obligation?**

**A:** Generally, any day in a month worked, or compensated for being available for work (such as a guarantee payment), or receipt of compensation from SMART-TD, creates a dues obligation.

**Q: Does receipt of vacation or personal leave pay alter or end the exemption from paying dues enjoyed by a member who is not engaged in transportation service for any reason, including sickness, disability, furlough or military duty (E-49 status)?**

**A:** No. Dues are not collected when vacation or personal leave pay is received by a member in E-49 status.

**Q: Does receipt of compensation resulting from awards, grievances, mediation, or agreements alter or end E-49 status?**

**A:** Dues are not collected when a member in E-49 status receives pay claims or receives retroactive payments as a result of mediation or their collective bargaining agreement. This also applies to retired members who receive such compensation in any month following the month of their retirement. However, when a favorable discipline

arbitration award retroactively restores a member to full active service, they may incur a retroactive dues obligation when certain criteria are met.

**Q: Is there any scenario where a member who is not engaged in transportation service would be required to pay dues?**

A: Yes. Any member (including a full-time or part-time elected officer) in the service of SMART-TD who receives compensation from the Organization is required to pay dues. In doing so, the member is ineligible for E-49 status.

**Q: Should dues be deducted from vacation or personal leave compensation received by a retired or E-49 member in the months following the month the member enters retirement or E-49 status?**

A: No. However, if a member is cashing out or utilizing their unused vacation or personal leave days in the weeks or months leading up to their retirement date, then the payment of dues is required.

**Q: Is there an obligation for a member to pay dues in the calendar month in which the member enters retirement?**

A: Yes, but only if the member received compensation, vacation pay, or personal leave pay in the same calendar month the member enters retirement. This is because when membership begins and dues are first paid, those dues are applied to the following month. Full membership rights are conferred during the new member's first month of compensated service following probation, even though no dues have yet been paid by the new member for that month. This difference is reconciled by collecting dues for the final calendar month in which the SMART Constitution's Article 21B, Section 49, requires the member to pay dues.

**Q: Is there an obligation for a member to pay dues in the calendar month in which they cease to engage in transportation service for any reason, including sickness, disability, furlough or military duty?**

A: Yes, but only if the member received compensation, vacation pay, or personal leave pay in the same calendar month that they ceased to engage in transportation service. As a result, the dues collected shall be applied to the calendar month in which the member returns to service and loses eligibility for E-49 status (reinstatement of full membership rights are immediate upon returning from E-49 status).

**Q: If a member does not qualify for E-49 status, and receives only vacation or personal leave compensation in a calendar month, does the member have an obligation to pay dues in that month?**

A: Yes.

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Further questions regarding these matters should be directed to the office of the SMART Transportation Division President by calling (216) 228-9400, or by emailing President\_TD@smart-union.org.

*united*

AL H. CHESSE, International President

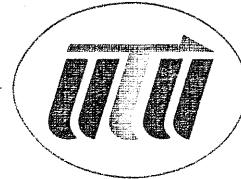
Assistant Presidents: R. R. BRYANT,  
CLYDE F. LANE, W. R. MEYERS

General Secretary and Treasurer  
JOHN H. SHEPHERD

*Transportation*

*union*

14600 DETROIT AVENUE  
CLEVELAND, OHIO 44107  
PHONE: 216-228-9400



September 28, 1979

Mr. D. L. Kortum  
Treasurer - Local 1883  
16000 Avalon Avenue  
South Holland, IL 60473

RE: Initiation Fee

Dear Sir and Brother:

Your letter of September 25 to General Secretary and Treasurer Shepherd, concerning a motion to establish an initiation fee, has been passed to me for reply.

In 1969 the Board of Directors approved the establishment of an initiation fee for new members, when approved by local action, not to exceed \$25.00.

Should a member be suspended for nonpayment of dues, who is eligible to be readmitted, he would be subject to the provisions of Article 51 and if he is suspended for a calendar month or more he would be liable for a reinstatement fee of one dollar and dues for the current month. He would not be liable for the initiation fee again under such circumstances.

A definite amount should be established since dues and assessments are subject to change.

The motion should be changed to conform to the above.

Fraternally,

*Al H. Chesser*  
President

cc: Mr. J. H. Shepherd, GS&T  
Mr. R. J. Yenches, Jr., Pres., 1883  
Mr. R. F. Rady, Secy., 1883

AL H. CHESSER, International President

Assistant Presidents: R. R. BRYANT,  
TYDE F. LANE, W. R. MEYERS

General Secretary and Treasurer  
JOHN H. SHEPHERD

*united*  
*transformation*  
*union*

14600 DETROIT AVENUE  
CLEVELAND, OHIO 44107  
PHONE: 216-228-9400

March 9, 1979

Mr. Lawrence H. Dallas  
S&T - Local 631  
1230 Rosemont Drive  
Knoxville, MD 21758

Re: Local Committees of Adjustment

Dear Sir and Brother:

This will acknowledge your letter of March 3 concerning a motion, relating to the local committees in Local 631, intended to require Local Chairmen to attend meetings of the local to give their reports and to provide four basic days pay per year, to become effective when the members under the jurisdiction of the committees give their approval.

The motion is improper and of no effect because it indicates it was approved by the membership without regard to craft lines.

Compensation and expenses for a local committee is determined by the members working under the jurisdiction of that local committee. Any change in the daily rate or salary established for a local committee must be handled as provided in Article 48, lines 18-32.

Reports of matters handled by local committees can be handled in writing and by furnishing the Secretary of the local copies of correspondence on matters handled by them. The Constitution does not require the committee-men to lose time to attend meetings and if their members require such attendance they will be entitled to pay for all time lost.

Local committees must not incur expenses in excess of the income available to them to be carried as a debt against future committee funds. They must limit their activities so as to remain within the limits of the income available in their respective local committee funds.

A Local Chairman that is paid a daily rate or salary each month, is in the service of the UTU and not eligible for relief from payment of dues. If he is paid only for lost time he could not claim lost time while on E-49.

Claims of Local Chairmen should be presented to the local and considered by the members working under his jurisdiction. If five members working under his jurisdiction are not present to consider the bill, the Chairman should secure the signatures of five members working under his jurisdiction which will be sufficient authority for the Treasurer to pay the bill without further action. This method is to be used only when a quorum of his members are not present when the bill is presented for consideration.

Posting of the minutes of the local on bulletin boards and various other places would be in violation of Article 45.

Fraternally,

*A.H. Bresan*  
President

cc: Mr. F. A. Frye, Pres., 631  
Mr. H. M. Cooper, LC  
Mr. D. E. Hess, LC  
Mr. R. B. Menefee, LC  
Mr. B. P. Miskell, LC  
Mr. C. P. Thompson, LC

AL H. CHESSER, International President

Assistant Presidents: R. R. BRYANT,  
CLYDE F. LANE, W. R. MEYERS

General Secretary and Treasurer  
JOHN H. SHEPHERD

**united  
transportation  
union**

14600 DETROIT AVENUE  
CLEVELAND, OHIO 44107

Article 48

May 26, 1977

Mr. R. J. Rysman  
Secy-Treas., Local 1292  
1911 Garden Street  
Duluth, MN 55812

Re: Article 48 - Local Fund (Sick)

Dear Brother Rysman:

This will acknowledge your letter of May 23 addressed to General Secretary and Treasurer Shepherd, which was referred to me for reply on the possibility of creating a "sick benefit fund" in Local 1292.

Several years ago, after unification, it became evident from incoming local correspondence that "sick" and "funeral" benefit funds were a growing source of problems far beyond their monetary value to members.

For example, participation by members declined sharply by reason of insurance coverage; such funds have increasingly become "bankrupt," or have lowered benefits and/or increased assessments.

As a result of such developments, a UTU policy was adopted to no longer permit a local to create such funds and it remains in effect now. Local 1292 should be so advised by your calling this correspondence to the attention of all concerned.

Thank you for calling this subject to my attention and so giving me the opportunity to explain what has been learned from our experience.

Fraternally,

*Al H. Chesser*

President

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