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Information for Delegates Attending the 2014 SMART Transportation Division and SMART General Conventions

As we have moved forward with the process of finalizing the SMART Constitution and Ritual a significant amount of time has been spent on how to reconcile the conflict in language related to the number, selection, compensation and representational votes of delegates attending the SMART Transportation Division Convention in San Diego, California on June 30 through July 2, 2014 and SMART General Convention being held in Las Vegas, Nevada from August 11 through 15, 2014.

The first consideration in this process was to recognize the Merger Agreement language stating if there was a conflict in language between the two constitutions, the language of the SMWIA Constitution would prevail. While acceptance of this determination would decide the matter, it is within this framework we determined the most practical application for the first SMART Transportation Division Convention and the SMART General Convention would be to use the language within Article 21B for the SMART Transportation Division Convention and the SMWIA language for the SMART General Convention.

Given the timeframe until the 2014 conventions, this allows for a consistent method in establishing the number of delegates and their representational votes. Additionally, as there are disparate methods of delegate compensation within the two Constitutions, by selecting the San Diego location for the SMART Transportation Division Convention a solution is provided that should ease some of the delegate cost in attending both conventions.

Therefore, with the above in mind, we will address below each of the resolved constitutional and merger agreement provisions related to delegates and their representational votes:



Number of Delegates

The terms of the Merger Agreement, Article VI, as it relates to Transportation Division Delegates states in relevant part, ... *The delegates to the Transportation Division Convention from local unions affiliated with the Transportation Division shall be the delegates to the SMART General Convention.* Therefore, the delegates to the 2011 (UTU) Transportation Division Convention, who maintain their eligibility, will be the delegates to the 2014 Transportation Division Convention and will also be seated as delegates at the 2014 SMART General Convention.

The method for establishing the number of delegates for each local union participating in the SMART Transportation Division Convention and the SMART General Convention shall be as follows:

1. Delegates elected to the SMART Transportation Division Convention shall be delegates to the SMART General Convention. The replacement of credentialed delegates within this group, who have left service or where a vacancy was otherwise created which would require the election of a new delegate(s), shall be through the method established in Article 21B of the SMART Constitution. A list of the credentialed delegates to the SMART Transportation Division Convention would be furnished to the General Secretary-Treasurer 120-days prior to the SMART Transportation Division.
2. In addition to the delegates designated under item 1 above, the number and election of delegates to the SMART General Convention shall be as provided under Article 7, Sections 2 and 3, of the SMART Constitution.
 - a. In compliance with Article 7, Section 2, the number of delegates to the SMART General Convention would be established by the formula of:
 - i. One (1) Delegate for the first 100-members or less and;
 - ii. One (1) Delegate for each additional one hundred members or majority fraction thereof, up to a maximum of twenty delegates per local union.

For the purpose of illustrating the above, a local union with 260-members is entitled to the following number of delegates:

- The local union would have **3-Delegates** (One for each 100-members and one for the 60-members over 200, as 60 is a major fraction of 100).
- While the local union would have 3-Delegates, the local union would have 5-Representational Votes. It is important to note that if only one delegate is in attendance they shall carry all representational votes of that local union. (See Representational Vote below).

Representational Vote

The method for establishing the number of Representational Votes for each local union with delegates in attendance at the SMART Transportation Division Convention and the SMART General Convention shall be as follows:

1. For local unions with delegates in attendance at the SMART Transportation Division Convention, the representational votes accorded each delegate shall be as established in Article 21B of the SMART Constitution. (One-Delegate / One-Vote).
2. For the SMART General Convention, the number of representational votes for all local unions shall be in accordance with Article 7, Section 2, of the SMART Constitution.
 - a. The SMART Constitution establishes:
 - i. Each local union shall be entitled to One (1) Vote for the first fifty (50) good standing members or less and;
 - ii. One (1) Additional Vote for each additional fifty (50) good standing members or majority fraction thereof.

For the purpose of illustrating the above, a local union with 260-members is entitled to the following number of representational votes:

- The local union would have **5-Representational Votes** (One for each 50-members), but none for the 10-members over 250, since 10 is not a major fraction of 50.

- The Representational Votes of the local union are equally divided among the local union delegates in attendance at the convention.
- When the number of Representational Votes cannot be equally divided, an equal number of votes are distributed to each delegate with the remaining votes assigned to a delegate from the local union chosen by lot.

Example:

If the local union had 3-Delegates and 5-Representational Votes;

- Each delegate would get 1-Representational Vote.
- The remaining 2-Votes would be assigned to the delegate who is chosen by lot. (The delegate chosen by lot would then have 3-Representational Votes.)
- If the local union has a single delegate in attendance at the convention, that delegate carries all the Representational Votes for the local union.
- Keep in mind the delegate must be on the convention floor to cast his or her vote(s).

Delegate Compensation

Compensation for delegates in attendance at the SMART Transportation Division Convention and 2014 SMART General Convention shall be as follows:

1. For delegates attending the SMART Transportation Division Convention, the method of compensation shall be as established in Article 21B of the SMART Constitution.
2. For all delegates attending the SMART General Convention, the method of compensation shall be as established in Article 7, Section 11, of the SMART Constitution.

Election of Officers

For the SMART Transportation Division and SMART General Conventions the election of Officers shall be as follows:

1. Credentialed Delegates in attendance at the SMART Transportation Division Convention from Transportation Division affiliated local unions shall elect the Officers of the Transportation Division designated in Section 2, of Article 21B. The Transportation Division President, National Legislative Director and the four senior Vice Presidents shall also serve as SMART General Vice Presidents.
2. Credentialed Delegates in attendance at the SMART General Convention from Sheet Metal affiliated local unions shall elect the eleven (11) General Vice Presidents representing Sheet Metal.
3. All Credentialed Delegates in attendance at the SMART General Convention shall elect the SMART General President and General Secretary-Treasurer.

Amendments and Resolutions

For the SMART Transportation Division Convention the delegates in attendance shall:

- Consider amendments properly made and submitted to the Transportation Division Convention as stated in Article 21B.
- Recommend to the SMART Constitution Committee by their vote of either concurrence or non-concurrence, all properly submitted Constitutional Amendments.
- Consider Resolutions and by a vote of either concurrence or non-concurrence forward such Resolutions to the SMART Resolutions Committee.

Amendment and Resolution Submissions:

- All Constitutional Amendments to be considered at the SMART Transportation Division Convention must be submitted 120-days in advance of the convention as required by Article 21B.

- Constitutional Amendments not submitted to the SMART Transportation Division Convention, may be submitted to the General Secretary-Treasurer at the General Office up to 30-days in advance of the SMART General Convention, per the requirements stated in Article 33.
- Resolutions other than those to amend the constitution and those not considered at the SMART Transportation Division Convention, may be submitted to the General Secretary-Treasurer under the provisions of Article 7, Section 15.

Convention Language Post 2014

It is recognized by the parties that in the creation of the SMART Constitution changes to language within the UTU Constitution were necessary to comply with the provisions of the Merger Agreement and to resolve conflicts with language contained in the SMWIA Constitution. These changes contained in the SMART Constitution will continue in effect unless changed by the constitutional amendment process. With this recognition it is important for the membership and delegates to recognize they may submit through the provisions of Article 21B and Article 33, as outlined above, proposed Amendments to the SMART Constitution for consideration and vote by the delegates to the 2014 SMART General Convention.

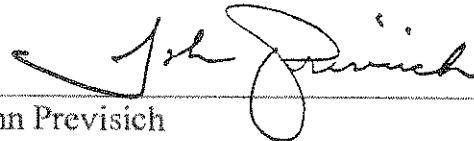
We hope this answers most of your questions regarding changes to delegates and representational votes for the 2014 SMART Transportation Division and 2014 SMART General Conventions. If you have further questions please feel free to contact our respective offices.

Moving forward to our first SMART Transportation Division and SMART General Conventions we are hopeful they will provide the experience of unity and mutual support our combined organizations have promised to provide. And, while we are fully supportive of the merger and benefits it will provide our collective membership, we recognize you are the catalyst to making SMART the organization our members deserve. We look forward to seeing you at the conventions and to your participation in developing our 2014 SMART Constitution.

Fraternally,



Joseph J. Nigro
General President



John Previsich
President Transportation Division