



Constitution and Ritual

January 12, 2014

Constitution & Ritual

OF THE INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS

Affiliated with American Federation of Labor
and Congress of Industrial Organizations,
Building and Construction Trades
Department, Metal Trades Department,
Maritime Trades Department, Union Label
and Service trades Department,
transportation Trades Department, Public
Employee Department, and Railway Labor
Executives' Association, and the Canadian
Labour Congress

In Establishing This Constitution:

The Former Sheet Metal Workers' International Association and the Former United Transportation Union, on their own behalf and on behalf of their affiliates, having entered into agreement to merge their separate organizations into a consolidated labor organization to be known as the International Association of Sheet Metal, Air, Rail and Transportation Workers ("SMART"), under the terms and conditions of said Merger Agreement hereby establish this Constitution and Ritual of SMART, which includes the current Constitution of the Former United Transportation Union in conformity with the current Constitution of the Former Sheet Metal Workers' International Association as Article 21B of this SMART Constitution and Ritual.

General Officers of the International Association of Sheet Metal, Air, Rail and Transportation Workers

Joseph J. Nigro
General President

Joseph Sellers, Jr.
General Secretary-Treasurer

Bruce R. Word
1st General Vice President

Ronald H. Whatley
2nd General Vice President

David C. Zimmermann
3rd General Vice President

Mark Curtis
4th General Vice President

Patrick C. Landgraf
5th General Vice President

Derek Evans
Representative
6th General Vice President

Joseph B. Powell
7th General Vice President

Norm L. Whiteman
8th General Vice President

John Helak
9th General Vice President

Arthur B. Tolentino
10th General Vice President

Open
11th General Vice President

John Previsich
President Transportation Division
General Vice President

James A. Stem, Jr.
U.S. National Legislative Director

Robert Kerley
General Vice President
Vice President/International Representative

David Wier
General Vice President
Vice President/International Representative

John E. Lesniewski
General Vice President
Vice President/International Representative

Bonnie L. Morr
General Vice President
Vice President/International

General Office Address

United Unions Building
1750 New York Avenue, N.W.
Washington, D.C. 20006-5386

SMART CONSTITUTION and RITUAL INDEX

ARTICLE ONE (1) - International Association

SECTION 1	NAME AND LOCATION	Page 1
SECTION 2	MEMBERSHIP	Page 1
SECTION 3	GOVERNMENT	Page 1
SECTION 4	GOVERNMENT BETWEEN CONVENTIONS	Page 1
SECTION 5	TRADE JURISDICTION	Page 1-9
SECTION 6	REVENUE AND FUNDS	Page 9-12
SECTION 7	DISSOLUTION	Page 12
SECTION 8	ASSESSMENTS	Page 12-13
SECTION 9	INSURANCE BENEFITS	Page 13-14
SECTION 10	RESPONSIBILITY	Page 14
SECTION 11	SERVICE BY MAIL	Page 14

ARTICLE TWO (2) - General Officers

SECTION 1	NUMBERS AND TITLES	Page 14
SECTION 1(a)	FINANCIAL SUPPORT FOR CAMPAIGN	Page 14
SECTION 2	QUALIFICATIONS	Page 15
SECTION 3	AUTOMATIC CONVENTION DELEGATES	Page 15
SECTION 4	MANDATORY TENDER OF RESIGNATION	Page 15
SECTION 5	TIME OF ELECTION	Page 15
SECTION 6	METHOD OF ELECTION	Page 15-16
SECTION 7	ELECTION PROTEST	Page 16
SECTION 8	TERM OF OFFICE	Page 16
SECTION 9	FILLING VACANCY IN OFFICE OF GENERAL PRESIDENT	Page 16-17
SECTION 10	FILLING VACANCY IN OFFICE OF GENERAL SECRETARY-TREASURER	Page 17
SECTION 11	FILLING VACANCIES IN OTHER GENERAL OFFICES	Page 17
SECTION 12	COMPENSATION AND EXPENSES	Page 17-18
SECTION 13	PENSIONS	Page 18
SECTION 14	CHARGES AND TRIALS OF GENERAL OFFICERS	Page 18-20
SECTION 15	SURRENDER OF PROPERTY	Page 20

ARTICLE THREE (3) - General President

SECTION 1	GENERAL DUTIES AND AUTHORITY	Page 20
SECTION 2	SUPERVISION OF LOCAL UNIONS, COUNCILS AND OFFICERS THEREOF	Page 21-24
SECTION 3	SUPERVISION OF INDIVIDUAL MEMBERS	Page 24
SECTION 4	MEETINGS OF BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES	Page 24
SECTION 5	ATTORNEYS	Page 24
SECTION 6	REPORTS	Page 24-25
SECTION 7	NO TITLE	Page 25
SECTION 8	NO TITLE	Page 25

SECTION 9 -- GENERAL PRESIDENT EMERITUS	Page 25
ARTICLE FOUR (4) - General Vice Presidents	
SECTION 1 GENERAL DUTIES	Page 25
ARTICLE FIVE (5) - General Secretary-Treasurer	
SECTION 1 GENERAL DUTIES	Page 26-28
ARTICLE SIX (6) - General Executive Council	
SECTION 1 NO TITLE	Page 28
SECTION 2 GENERAL DUTIES	Page 28
SECTION 3 FINANCE COMMITTEE	Page 28-29
SECTION 4 PROCEDURE WHEN NOT IN SESSION	Page 29
SECTION 5 REPORTS	Page 29
ARTICLE SEVEN (7) - General Conventions	
SECTION 1 TIME AND PLACE	Page 30
SECTION 2 REPRESENTATION AND VOTE	Page 30
SECTION 3 QUALIFICATIONS AND ELECTION OF DELEGATES	Page 31
SECTION 4 COMMITTEE ON CREDENTIALS AND GENERAL SECRETARY-TREASURER'S REPORT	Page 31
SECTION 5 DELEGATE CREDENTIALS	Page 32
SECTION 6 CONSTITUTION COMMITTEE: APPOINTMENT AND GENERAL DUTIES	Page 32
SECTION 7 COMMITTEES GENERAL	Page 32
SECTION 8 COMMITTEE COMPENSATION	Page 32-33
SECTION 9 QUORUM	Page 33
SECTION 10 ORDER OF BUSINESS	Page 33
SECTION 11 DELEGATE COMPENSATION	Page 33-34
SECTION 12 ATTENDANCE OF GENERAL OFFICERS	Page 34
SECTION 13 CONVENTION GUESTS	Page 34
SECTION 14 SPECIAL CONVENTIONS	Page 34
SECTION 15 RESOLUTIONS	Page 34
SECTION 16 NO TITLE	Page 34
ARTICLE EIGHT (8) - International Staff	
SECTION 1 APPOINTMENT	Page 35
SECTION 2 QUALIFICATIONS	Page 35
SECTION 3 DUTIES	Page 35
SECTION 4 CHIEF INTERNATIONAL REPRESENTATIVE	Page 35
SECTION 5 DIRECTOR OF ORGANIZATION	Page 36
SECTION 6 DIRECTOR OF PRODUCTION WORKERS	Page 36
SECTION 7 COMPENSATION	Page 36

ARTICLE NINE (9) - State, Provincial and District Councils

SECTION 1	ORGANIZATION	Page 36-37
SECTION 2	CHARTER APPLICATION	Page 37
SECTION 3	GOVERNMENT	Page 37
SECTION 4	PENSIONS	Page 37

ARTICLE TEN (10) - Local Unions

SECTION 1	CHARTERS	Page 37-38
SECTION 2	REVENUES, FEES AND DUES	Page 38-43
SECTION 3	ASSESSMENTS	Page 43
SECTION 4	GOVERNMENT	Page 43
SECTION 5	LOCAL RULES, REGULATIONS AND POLICIES	Page 43-44
SECTION 6	MEETINGS	Page 44-45
SECTION 7	MERGER OR SEPARATION	Page 45
SECTION 8	VOLUNTARY DISSOLUTION	Page 45
SECTION 9	AUTOMATIC SUSPENSION AND FORFEITURE OF CHARTER	Page 45-46
SECTION 10	SURRENDER OF PROPERTY	Page 46
SECTION 11	REPORTS	Page 46-47
SECTION 12	OFFICIAL SUPPLIES	Page 47
SECTION 13	LOCAL UNION FUNDS	Page 47-48
SECTION 14	DISBURSEMENTS	Page 48
SECTION 15	COMMITTEES	Page 48
SECTION 16	APPEALS FOR AID	Page 48
SECTION 17	GENERAL OBLIGATIONS	Page 49

ARTICLE ELEVEN (11) - Local Union or Council Benefit Plans

SECTION 1	RESPONSIBILITY	Page 49
-----------	----------------	---------

**ARTICLE TWELVE (12) - Local Union Officers, Business Managers,
and Business Representatives**

SECTION 1	NUMBER OF OFFICERS AND TITLES	Page 50
SECTION 1(a)	FINANCIAL SUPPORT FOR CAMPAIGN	Page 50
SECTION 2	NUMBER OF BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES	Page 50
SECTION 3	QUALIFICATIONS	Page 50-51
SECTION 4	NOMINATION	Page 51
SECTION 5	NOTICE	Page 51-52
SECTION 6	ELECTIONS	Page 52-53
SECTION 7	TERM OF OFFICE	Page 53
SECTION 8	VACANCIES	Page 53-54
SECTION 9	SALARIES	Page 54
SECTION 10	PENSIONS	Page 54-55
SECTION 11	REMOVAL	Page 55-56
SECTION 12	TRAINING	Page 56

ARTICLE THIRTEEN (13) - Duties of Local Union Officers, Business Manager, and Business Representatives

SECTION 1	DUTIES OF LOCAL UNION PRESIDENT	Page 56
SECTION 2	DUTIES OF LOCAL UNION VICE PRESIDENT	Page 57
SECTION 3	DUTIES OF RECORDING SECRETARY	Page 57
SECTION 4	DUTIES OF FINANCIAL SECRETARY-TREASURER	Page 57-60
SECTION 5	DUTIES OF TRUSTEES	Page 60
SECTION 6	DUTIES OF CONDUCTOR	Page 60
SECTION 7	DUTIES OF WARDEN	Page 61
SECTION 8	DUTIES OF BUSINESS MANAGER AND BUSINESS REPRESENTATIVES	Page 61-62
SECTION 9	CONVENTION DELEGATES	Page 62

ARTICLE FOURTEEN (14) - Local Union Executive Board

SECTION 1	MEMBERSHIP	Page 62
SECTION 2	MEETINGS	Page 62
SECTION 3	DUTIES	Page 62-63

ARTICLE FIFTEEN (15) - Stewards

SECTION 1	APPOINTMENT	Page 63
SECTION 2	DUTIES	Page 63

ARTICLE SIXTEEN (16) - Membership

SECTION 1	QUALIFICATIONS	Page 63-64
SECTION 2	APPLICATION FOR MEMBERSHIP	Page 64-65
SECTION 3	INITIATION AND REINITIATION	Page 66-67
SECTION 4	FORFEITURE OF INITIATION FEE	Page 67
SECTION 5	UNAUTHORIZED FEES	Page 67
SECTION 6	WITHDRAWAL CARDS	Page 67-69
SECTION 7	LIMITED MEMBERSHIP	Page 69-70
SECTION 8	MEMBERS ENTERING THE ARMED FORCES	Page 70-71
SECTION 9	TRANSFER CARDS	Page 71-74
SECTION 10	PORTABILITY OF LABOR/TRAVELERS	Page 74-76
SECTION 11	SUSPENSION OF DELINQUENT MEMBERS	Page 76
SECTION 12	REINSTATEMENT	Page 76-77
SECTION 13	MAINTENANCE OF GOOD STANDING	Page 77
SECTION 14	RESIGNATION	Page 78
SECTION 15	HONORARY MEMBER	Page 78

ARTICLE SEVENTEEN (17) - Misconduct and Penalties

SECTION 1	OFFICERS, MEMBERS AND REPRESENTATIVES	Page 78-80
SECTION 2	LOCAL UNIONS AND COUNCILS	Page 80
SECTION 3	FINES	Page 80

ARTICLE EIGHTEEN (18) - Charges and Trials

SECTION 1	OFFICERS, REPRESENTATIVES OR MEMBERS OF LOCAL UNIONS OR COUNCILS	Page 80-81
SECTION 2	TRIAL IN LOCAL UNIONS	Page 81-84
SECTION 3	TRIAL BY INTERNATIONAL TRIAL BOARD	Page 84-85
SECTION 4	NO TITLE	Page 85

ARTICLE NINETEEN (19) - Appeals

SECTION 1	WHO MAY APPEAL	Page 85
SECTION 2	APPEALS TO THE GENERAL PRESIDENT	Page 85-86
SECTION 3	APPEALS TO THE GENERAL EXECUTIVE COUNCIL	Page 86-87
SECTION 4	APPEALS TO THE GENERAL CONVENTION	Page 87
SECTION 5	COMPLIANCE PENDING APPEAL	Page 88
SECTION 6	DEFERRED APPEALS	Page 88-89
SECTION 7	NO TITLE	Page 89
SECTION 8	NO TITLE	Page 89
SECTION 9	APPEALS TO COURTS	Page 89

ARTICLE TWENTY (20) - Official Journal

SECTION 1	NO TITLE	Page 89
SECTION 2	NO TITLE	Page 89
SECTION 3	NO TITLE	Page 90

ARTICLE TWENTY-ONE (21) – Railroad Unions and Councils

SECTION 1	JURISDICTION	Page 90
SECTION 2	GOVERNMENT	Page 90
SECTION 3	CONVENTIONS	Page 90-91
SECTION 4	OFFICERS	Page 91
SECTION 5	DUTIES OF GENERAL CHAIRMEN	Page 91-92
SECTION 6	DUTIES OF FINANCIAL SECRETARY-TREASURER	Page 92
SECTION 7	BONDING	Page 92
SECTION 8	EXECUTIVE BOARD	Page 92
SECTION 9	REVENUE AND FUNDS	Page 93
SECTION 10	COLLECTIVE BARGAINING	Page 93-94
SECTION 11	COMPLIANCE	Page 94
SECTION 12	INITIATION FEE, REINITIATION FEE & REINSTATEMENT FEES AND WITHDRAWAL CARDS	Page 94-96
SECTION 13	AFFILIATIONS	Page 96
SECTION 14	LOCAL CHAIRMAN	Page 97
SECTION 15	LIMITATIONS	Page 98

ARTICLE TWENTY-ONE B (21B) Transportation Division

SECTION 1	NAME OF ORGANIZATION	Page 98
SECTION 2	OFFICERS, BOARDS AND MEMBERS	Page 98-100
SECTION 3	HEADQUARTERS LOCATION	Page 100
SECTION 4	REMOVED	Page 100
SECTION 5	DELEGATES	Page 100-101
SECTION 6	TRANSPORTATION DIVISION CONVENTION	Page 101-102
SECTION 7	ELIGIBILITY FOR OFFICE	Page 102
SECTION 8	ELECTION AND INSTALLATION OF INTERNATIONAL OFFICERS	Page 102-103
SECTION 9	TERM OF OFFICE	Page 103
SECTION 10	REPORTS OF OFFICE	Page 103
SECTION 11	DELETED	Page 103
SECTION 12	INTERNATIONAL DUES AND ASSESSMENTS	Page 103-104
SECTION 13	AMENDING CONSTITUTION	Page 104
SECTION 14	REMOVED	Page 105
SECTION 15	BONDING OF INTERNATIONAL OFFICERS AND EMPLOYEES	Page 105
SECTION 16	PRESIDENT TRANSPORTATION DIVISION	Page 105-106
SECTION 17	REMOVED	Page 106
SECTION 18	DUTIES OF VICE PRESIDENT-INTERNATIONAL REPRESENTATIVES	Page 106
SECTION 19	REMOVED	Page 106
SECTION 20	ASSOCIATION OF STATE LEGISLATIVE DIRECTORS	Page 106
SECTION 21	DUTIES OF NATIONAL LEGISLATIVE DIRECTOR	Page 107
SECTION 22	REMOVED	Page 107
SECTION 23	DUTIES OF BOARD OF DIRECTORS	Page 108
SECTION 24	EXECUTIVE BOARD	Page 108
SECTION 25	CHARGES AND TRAILS OF INTERNATIONAL OFFICERS	Page 108-110
SECTION 26	APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD	Page 110
SECTION 27	BOARD OF APPEALS	Page 111
SECTION 28	OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN MADE IN ACCORDANCE WITH THIS CONSTITUTION	Page 111
SECTION 29	COMPENSATION AND VACATION BENEFITS OF INTERNATIONAL OFFICERS, BOARD MEMBERS AND STAFF MEMBERS WHO HOLD SENIORITY IN A PROPERTY WHERE UTU HOLDS REPRESENTATIONS RIGHTS	Page 112
SECTION 30	FISCAL YEAR	Page 112
SECTION 31	RETIREMENT OF OFFICERS AND EMPLOYEES	Page 112

SECTION 32	PRINTING AND SUPPLIES	Page 112
SECTION 33	OFFICIAL PUBLICATIONS	Page 113
SECTION 34	ENDORSEMENT OF SOUVENIRS, ETC.	Page 113
SECTION 35	ORDER OF BUSINESS OF THE INTERNATIONAL CONVENTION	Page 113
SECTION 36	RULES OF ORDER, INTERNATIONAL CONVENTION	Page 114-116
SECTION 37	PRINTING AND DISTRIBUTION OF CONSTITUTION	Page 116
SECTION 38	SAVING CLAUSE	Page 116
SECTION 39	LOCALS	Page 117
SECTION 40	JURISDICTION AND AUTHORITY	Page 117
SECTION 41	MEMBERSHIP	Page 117-118
SECTION 42	CONTINUOUS MEMBERSHIP	Page 118
SECTION 43	MEMBERSHIP CARDS	Page 118
SECTION 44	AUTHORITY TO REPRESENT	Page 119
SECTION 45	DUTIES OF MEMBERS	Page 119
SECTION 46	VISITING MEMBERS	Page 119
SECTION 47	TRANSFER OF MEMBERS	Page 119-120
SECTION 48	LOCAL FUNDS	Page 120
SECTION 49	PAYMENT OF DUES AND ASSESSMENTS	Page 120-121
SECTION 50	SUSPENSIONS	Page 122
SECTION 51	READMISSION	Page 122
SECTION 52	REGISTERS	Page 122
SECTION 53	RIGHTS AND BENEFITS	Page 122
SECTION 54	LOCAL MAINTENANCE OF MEMBERSHIP FUND	Page 123
SECTION 55	TIME AND PLACE OF MEETING	Page 124
SECTION 56	OFFICERS AND LOCALS	Page 124
SECTION 57	ELECTIONS IN LOCALS	Page 124-126
SECTION 58	INSTALLATION OF LOCAL OFFICERS	Page 126-127
SECTION 59	DUTIES OF THE LOCAL PRESIDENT	Page 127
SECTION 60	DUTIES OF THE LOCAL VICE PRESIDENT	Page 127
SECTION 61	THE LOCAL PAST PRESIDENT	Page 127-128
SECTION 62	DUTIES OF THE LOCAL PAST PRESIDENT	Page 128
SECTION 63	DUTIES OF THE LOCAL SECRETARY	Page 128
SECTION 64	DUTIES OF THE LOCAL TREASURER	Page 128-129
SECTION 65	DUTIES OF THE LOCAL COLLECTOR	Page 129
SECTION 66	DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVES	Page 129
SECTION 67	DUTIES OF THE LOCAL BOARD OF TRUSTEES	Page 130
SECTION 68	LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT	Page 130
SECTION 69	LOCAL APPOINTIVE OFFICE DECLARED VACANT	Page 130
SECTION 70	VACATIONS-LOCAL OFFICERS AND COMMITTEEPERSONS	Page 130-131
SECTION 71	BONDING OF LOCAL OFFICERS	Page 131
SECTION 72	SURPLUS ASSETS OF LOCALS	Page 131

SECTION 73	REVOKING OR SURRENDERING LOCAL CHARTERS	Page 131-132
SECTION 74	CHARGES AND TRIALS – OFFICERS, COMMITTEEPERSONS, AND MEMBERS OF LOCALS, GENERAL COMMITTEES OF ADJUSTMENT AND LEGISLATIVE BOARDS	Page 132-136
SECTION 75	APPEALS	
	I TO THE BOARD OF APPEALS	Page 136-137
	II TO THE BOARD OF DIRECTORS	Page 137
	III PROCEDURES	Page 137
SECTION 76	LOCAL RULES OF ORDER	Page 138
SECTION 77	CONDUCT OF LOCAL MEETINGS	Page 138
SECTION 78	VOID	Page 138
SECTION 79	CONSIDERATIONS OF GRIEVANCES	Page 138-139
SECTION 80	PRESERVATION OF CRAFT AUTONOMY	Page 139
SECTION 81	LOCAL COMMITTEES OF ADJUSTMENT	Page 140-141
SECTION 82	GENERAL COMMITTEES OF ADJUSTMENT	Page 141-144
SECTION 83	RETIRED MEMBERS	Page 144
SECTION 84	GENERAL COMMITTEE FINANCING	Page 144-145
SECTION 85	DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT	Page 145-146
SECTION 86	VACATION – GENERAL CHAIRPERSONS	Page 146-147
SECTION 87	CHAIRPERSON OF GENERAL COMMITTEE	Page 147
SECTION 88	VICE CHAIRPERSON OF GENERAL COMMITTEE	Page 147
SECTION 89	SECRETARY OF GENERAL COMMITTEE	Page 147
SECTION 90	MERGERS, LEASES, COORDINATIONS, ETC.	Page 148
SECTION 91	ASSOCIATION OF GENERAL CHAIRPERSONS	Page 148-150
SECTION 92	STRIKES	Page 150-152
SECTION 93	LEGISLATIVE DEPARTMENT	Page 152-153
SECTION 94	STATE OR DISTRICT LEGISLATIVE BOARD FINANCING	Page 153-154
SECTION 95	DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS	Page 154-155
SECTION 96	VACATIONS – STATE OR DISTRICT LEGISLATIVE BOARDS	Page 155-156
SECTION 97	DELETED	Page 156
SECTION 98	DELETED	Page 156
SECTION 99	DELETED	Page 156
SECTION 100	DECLARATION OF POLICY OF THE UNITED TRANSPORTATION UNION REGARDING INTERNATIONAL EMPLOYEES	Page 156-157
 ARTICLE TWENTY-TWO (22) - Production Worker Local Unions		
SECTION 1	REPRESENTATION AND BARGAINING	Page 157
SECTION 2	NO TITLE	Page 157
SECTION 3	NO TITLE	Page 157

SECTION 4	GOVERNMENT	Page 157
SECTION 5	REQUIREMENTS FOR LOCAL UNION CHARTER	Page 158
SECTION 6	APPLICATION FOR MEMBERSHIP, INITIATION AND INITIATION FEE	Page 158-159
SECTION 7	REINSTATEMENT AND REINITIATION FEE	Page 159-160
SECTION 8	NO TITLE	Page 160
SECTION 9	DUES PAYMENT	Page 160
SECTION 10	TRANSFER	Page 160
SECTION 11	UNION EMPLOYER	Page 160
SECTION 12	STEWARDS	Page 161
SECTION 13	WITHDRAWAL CARDS	Page 161-162

ARTICLE TWENTY-THREE (23) -Pre-apprentices and Apprentice-Members

SECTION 1	NO TITLE	Page 162
SECTION 2	NO TITLE	Page 163
SECTION 3	NO TITLE	Page 163
SECTION 4	NO TITLE	Page 164
SECTION 5	NO TITLE	Page 164
SECTION 6	NO TITLE	Page 164
SECTION 7	NO TITLE	Page 164
SECTION 8	NO TITLE	Page 164
SECTION 9	NO TITLE	Page 165
SECTION 10	NO TITLE	Page 165

ARTICLE TWENTY-FOUR (24) - Organizing, Apprentice/Organizing, and Education

SECTION 1	NO TITLE	Page 165
SECTION 2	NO TITLE	Page 165

ARTICLE TWENTY-FIVE (25) - Union Label

SECTION 1	NO TITLE	Page 166
SECTION 2	NO TITLE	Page 166
SECTION 3	NO TITLE	Page 166
SECTION 4	NO TITLE	Page 166
SECTION 5	NO TITLE	Page 166
SECTION 6	NO TITLE	Page 167
SECTION 7	NO TITLE	Page 167
SECTION 8	NO TITLE	Page 167

ARTICLE TWENTY-SIX (26) - Union Shop

NO SECTIONS LISTED	Page 167
--------------------	----------

ARTICLE TWENTY-SEVEN (27) - Union Shop Card

SECTION 1	NO TITLE	Page 167
SECTION 2	NO TITLE	Page 168
SECTION 3	NO TITLE	Page 168

ARTICLE TWENTY-EIGHT (28) - Standard Form of Union Agreements

SECTION 1	NO TITLE	Page 168
SECTION 2	NO TITLE	Page 168
SECTION 3	NO TITLE	Page 168-169
SECTION 4	NO TITLE	Page 169
SECTION 5	NO TITLE	Page 169

**ARTICLE TWENTY-NINE (29) - Delegates to AFL-CIO and Members on
Special Assignment from International
Association**

NO SECTIONS LISTED	Page 170
--------------------	----------

ARTICLE THIRTY (30) – Strikes

SECTION 1	STRIKE/DEFENSE FUND	Page 170
SECTION 2	NATIONAL JOINT ADJUSTMENT BOARD EXPENSES	Page 170
SECTION 3	STRIKES	Page 170-171
SECTION 4	STRIKE BENEFITS	Page 171-173
SECTION 5	LOCKOUTS	Page 173
SECTION 6	FINANCIAL ASSISTANCE	Page 173

ARTICLE THIRTY-ONE (31) - Political Action League (PAL)

NO SECTIONS LISTED	Page 173-174
--------------------	--------------

**ARTICLE THIRTY-TWO (32) - General Convention and Business
Managers' and Business Representatives'
Conference Fund**

NO SECTIONS LISTED	Page 174
--------------------	----------

ARTICLE THIRTY-THREE (33) - Amendments and New Laws

SECTION 1	AMENDMENTS	Page 174-175
-----------	------------	--------------

ARTICLE THIRTY-FOUR (34) (NO TITLE)

SECTION 1	INVALIDITY	Page 175
SECTION 2	GENDER	Page 175

ARTICLE - RITUAL

INITIATION CEREMONIES	Page 176-177
INSTALLATION CEREMONIES	Page 177
OBLIGATION OF LOCAL UNION OFFICERS, BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES	Page 177
OBLIGATION OF GENERAL OFFICERS	Page 178
PARLIAMENTARY RULES	Page 178-180

1.12.2014

BLANK

ARTICLE ONE (1)**International Association****SECTION 1--NAME AND LOCATION**

SEC. 1. This organization shall be known as Sheet Metal Workers' International Association and its principal office shall be located in the Washington, D.C. metropolitan area. The General Executive Council shall have the authority to amend the name of the organization between conventions to the "International Association of Sheet Metal Workers, Affiliated Trades and Professional Employees" or any other name so long as the words "Sheet Metal" remain in the name.

SECTION 2--MEMBERSHIP

SEC. 2. This Association shall consist of duly chartered local unions and state, provincial and district councils whose officers and members subscribe to and observe the provisions of this Constitution and Ritual and such rules, policies and regulations as may be established by this Association. This Association is committed to representing all workers in our industries to insure the future of our union and its members.

SECTION 3--GOVERNMENT

SEC. 3. The final jurisdiction over subjects pertaining to this Association and the ultimate government, supervision and superintendence of all local unions, state, provincial and district councils and the officers and members thereof shall be vested in the duly elected, qualified and seated delegates in the regular or special Convention of this Association. No executive or judicial authority or jurisdiction herein conferred upon local unions, state, provincial or district councils or the officers or members thereof shall supersede that exercised by such Conventions whether such authority is exercised by such Conventions initially or upon appeal.

SECTION 4--GOVERNMENT BETWEEN CONVENTIONS

SEC. 4. Between Conventions, all general executive, administrative and judicial powers of this Association shall be vested in the General Executive Council set forth in this Constitution.

SECTION 5--TRADE JURISDICTION

SEC. 5(a). This Association has established and claims full jurisdiction over the estimating, project management, manufacture, fabrication, assembling, handling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, commissioning, testing, servicing and maintenance of all HVACR and sheet metal work, all working drawings or sketches (including those taken from original architectural and engineering drawings and sketches) used in fabrication and erection; said jurisdiction to include all flat, formed in brake or press, corrugated or ribbed sheets and all rolled, drawn, pressed, extruded, stamped or spun tubing,

32 shapes and forms of plain or protected steel, iron, tin, copper, brass, bronze, aluminum, zinc, lead,
 33 German silver, Monel metal, stainless or chrome steel or any and all other alloy metals, ferrous
 34 and non-ferrous, together with all necessary or specified reinforcements, brackets, hangers, straps,
 35 plates, tees, angles, channels, furring, supports, anchors, rods, chains, clips, frames, ornaments,
 36 trimmings, grilles, registers, castings, hardware and equipment, mechanical or otherwise,
 37 regardless of gauge, weight or material when necessary or specified for use in direct connection
 38 with or incidental to the manufacture, fabrication, assembling, handling, erection, hanging,
 39 application, adjusting, alteration, repairing, dismantling, reconditioning, testing and maintenance
 40 of all sheet metal work; said jurisdiction to also include the fastening of any and all materials and
 41 equipment specified in this jurisdictional claim, whether same be applied to wood, steel, stone,
 42 brick, concrete or other types of structure, base or materials, with full jurisdiction over the making
 43 of all connections, attachments, seams and joints, whether nailed, screwed, bolted, riveted,
 44 cemented, poured, wiped, soldered, brazed, welded or otherwise fastened and attached, and all
 45 drilling and tapping in connection with or incidental thereto.

46 **SEC. 5(b).** Any and all types of sheet metal foundation forms, wall forms, column forms,
 47 casings, molding, plain or corrugated domes, slab forms, flat, ribbed or corrugated sheet forms
 48 used in connection with concrete or cement construction, including sheet metal inserts to provide
 49 specified openings, also permanent column guards.

50 **SEC. 5(c).** Any metal roofing, including under layment regardless of material, and any and
 51 all types of sheets, flat, formed in brake, corrugated or otherwise formed or reinforced, and all
 52 rolled, drawn, pressed, extruded, stamped or spun sheets, shapes and forms of plain or protected
 53 metal specified for use in connection with or incidental to roofing, decking, flooring, expansion
 54 joints, siding, waterproofing, weatherproofing, fireproofing, soundproofing, for base and support
 55 of other materials, or for ornamental or other purposes.

56 **SEC. 5(d).** Any and all types of formed, rolled, drawn, stamped, pressed sheet metal
 57 shingles, sheet metal tile, sheet metal brick, sheet metal stone and sheet metal lumber, when
 58 specified for use as roofing, siding, waterproofing, weatherproofing, fireproofing, soundproofing
 59 or for ornamental or any other purpose.

60 **SEC. 5(e).** Any and all sheet metal work regardless of material specified for use in
 61 connection with or incidental to steeples, domes, minarets, lookouts, dormers, louvers, ridges,
 62 coping, roofing, decking, hips, valleys, gutters, outlets, roof flanges, flashing, gravel stops, leader
 63 heads, down spouts, mansards, balustrades, skylights, metal siding and composite panels including
 64 supports, studs, sheathing, drywall and related materials, solar shingle panels, PVC metal and
 65 sonafil metal, cornice molding, columns, capitals, panels, pilasters, mullions, spandrels and any
 66 and all other shapes, forms and design of sheet metal work specified for use for waterproofing,
 67 weatherproofing, fireproofing, soundproofing, ornamental, decorative or display purposes, or as
 68 trim on exterior of buildings.

69 **SEC. 5(f).** Any and all types of sheet metal buildings including hangars, garages, service
 70 stations, commercial or storage buildings of permanent or portable design, whether manufactured,
 71 fabricated, or erected to meet specific requirements or whether constructed of standard patented

72 units of flat, formed in brake, corrugated, rolled, drawn, or stamped sheets, shapes and forms of
 73 plain, protected or ornamental design.

74 **SEC. 5(g).** Any and all types of sheet metal marquees, vestibule and storm door enclosures,
 75 window frames, molding, cornices, pilasters, mullions, panels, sills, heads, awning covers, corner
 76 posts, stops, light troughs reflectors and deflectors, bulletin boards and any and all types of sheet
 77 metal signs specified for use in connection with or incidental to display windows, building fronts,
 78 store fronts, and theater fronts, for fireproofing, weatherproofing, waterproofing, ornamental or
 79 display advertising purposes.

80 **SEC. 5(h). Sign Work.** Any and all work in connection with the manufacture, fabrication,
 81 assembly, erection, installation, dismantling, re-conditioning, adjustment, alteration, repairing,
 82 servicing and maintenance of all interior and exterior/outdoor industry related products, used in
 83 the manufacture and erection of all electrical, plastic, fiberglass, vinyl and neon signs, commercial
 84 signs, storefronts, awnings, marquee signs, soffits, display showcases, LED modules, road signs,
 85 bulletin boards, scoreboards and billboards for indoor and outdoor advertising including but not
 86 limited to any and all sign support structure, billboard panels, sign cabinets or the like in kind
 87 serving the same purpose, the layout, fabrication and installation of any base plate, gusset plates,
 88 companion flanges and attachment of these sections to any support member, such as pipe, angle
 89 iron, channel and/or wide flange beams, tube steel and/or other similar shapes, the preparation of
 90 all shop and field sketches whether manually drawn or computer assisted used in fabrication and
 91 erection, including those taken from original architectural and engineering drawings or sketches.
 92 This work also includes the layout, fabrication and installation of upper support structures used to
 93 support the sign face(s) including catwalks, ladders, rails and any and all substitute signage or
 94 materials used in lieu thereof and any other identification system whether interior or
 95 exterior/outdoor advertising included in the jurisdictional claims of the SMWIA including any and
 96 all related future technological advancements that may enhance, replace or compete with the scope
 97 of work provided herein that serves the same or similar purpose and shall include installation and
 98 fabrication of cell site and green products including but not limited to wind and solar.

99 **SEC. 5(i).** Any and all sheet metal work used in connection with or incidental to the
 100 equipment and operation of grain elevators, mills, factories, warehouses, manufacturing plants and
 101 commercial buildings, including elevator legs and enclosures, chutes, hoppers, carriers, spirals,
 102 automatic and other conveyors, package chutes, fire apparatus and enclosures for same, pipes and
 103 fittings, dampers, machine guards, cyclones, fans, blowers, dust collecting systems, walk-in boxes,
 104 environmentally-controlled chambers, ovens and driers, heating, ventilation and air conditioning,
 105 and all other types of sheet metal work and equipment, mechanical or otherwise, in connection
 106 with or incidental to the operation thereof.

107 **SEC. 5(j).** Any and all types of sheet metal window frames, sash, bucks, doors, frames,
 108 trim, picture molding, freeze molding, wire molding, chair rail and base panels, wainscoting,
 109 mullions, pilasters, sills, permanent vestibule partitions, smoke and fire screens, portable and
 110 permanent screens and partitions for hospitals, office, commercial and factory use, toilet, shower
 111 and dressing room partitions, elevator and other types of enclosures specified for use as equipment
 112 and interior trim.

113 **SEC. 5(k).** Any and all types of sheet metal ceilings with cornices and molding of plain,
114 ornamental, enameled, glazed, or acoustic type, and any and all types of side walls, wainscoting
115 of plain, ornamental, enameled, or glazed types, including sheet metal tile, and the application of
116 all necessary wood or metal furring, plastic or other materials, to which they are directly applied.

117 **SEC. 5(l).** Any and all moving picture booths and any and all sheet metal work in
118 connection with indirect lighting systems, including side lights and foot lights in theaters,
119 auditoriums, schools, etc.

120 **SEC. 5(m).** Any and all types of sheet metal work, HVACR (heating, ventilating, air
121 conditioning and refrigeration) design, building information modeling (BIM), fabrication,
122 installation, service, and operation in connection with or incidental to direct, indirect or other types
123 of heating, ventilating, air conditioning, refrigeration, and cooling systems, regardless of materials
124 used, building environmental systems, including risers, under floor systems, stacks, ducts, fittings,
125 retrofittings, dampers, louvers, casings, recess boxes, outlets, radiator enclosures, exhausts,
126 ventilators, frames, grilles, registers, diffusers, cabinets, plenums, fans and motors, air washers,
127 filters, air brushes, housings, air conditioning chambers, all setting, hanging and start up of air
128 conditioning units, unit heaters, or air-veyor systems and condensing units, evaporator coils, heat
129 pumps, direct digital controls, building environmental sensor systems, air handling and air treating
130 systems, all testing, adjusting and balancing, commissioning and retro-commissioning of all
131 building environmental systems, including air, hydronic, electrical and sound regardless of
132 material used including all equipment and/or reinforcements and support systems in connection
133 therewith including all smog control, filtration and cleaning of air systems and equipment, air
134 pollution and recovery systems and component parts thereof, including setting of same by any
135 method; any and all work in connection with and/or incidental to the manufacture, fabrication,
136 handling, erection, installation, maintenance and repair of solar energy systems, including but not
137 limited to residential, commercial, institutional and industrial installation; all installation and
138 removal of lagging, all lagging over insulation and all duct lining; testing, adjusting and balancing
139 and the commissioning of all air-handling, commissioning, retro commissioning, and balancing of
140 all air, hydronic, electrical and sound equipment and duct systems; and any and all other sheet
141 metal work and equipment, mechanical, service, or otherwise, in connection with or incidental to
142 the proper installation, servicing and operation of said systems, and all duct and mechanical
143 connections to and from same.

144 **SEC. 5(n).** Any and all types of energy and indoor air quality (IAQ) auditing used in
145 connection with or incidental to energy management and commissioning of buildings including
146 analyzing utility rates, weather data, energy consumption records, contract drawings and
147 specifications, as-built drawings, operating logs; surveying building site and envelope;
148 investigating space utilization and operating practices; observing and testing lighting, power,
149 heating, ventilating, air conditioning, humidification, automatic control, food service,
150 transportation, heat recovery solar and process systems; performing operation and maintenance
151 energy conservation measures; monitoring results of energy management retrofit measures;
152 servicing energized systems after retrofit.

153 **SEC. 5(o).** Any and all types of sheet metal work in connection with or incidental to

154 residential work, including metal roofing and siding, gutters, downspouts, kitchen vents, bathroom
 155 vents, prefabricated fireplaces, shower enclosures, heating and air conditioning equipment and
 156 service incidental to the proper installation and operation of same.

157 Any and all types of warm air furnaces, including assembling and setting-up of all cast iron
 158 parts, all stoker, gas and oil burner equipment and all gas piping used in connection with warm air
 159 heating, all sheet metal hoods, casings, wall stacks, smoke pipes, trunk lines, cold air intake, air
 160 chambers, vent pipes, frames, registers, dampers and regulating devices, and all other sheet metal
 161 work and equipment, mechanical or otherwise, in connection with or incidental to the proper
 162 installation, servicing and operation of same.

163 **SEC. 5(p).** Any and all types of sheet metal work in connection with industrial work
 164 including but not limited to industrial, generating, steel and aluminum, oil refining, chemical,
 165 coking, nuclear, power and similar type plants and all other work in connection therewith including
 166 exhaust, smog control, air pollution and recovery systems, air-veyor systems and component parts
 167 thereof including setting of same by any method, imbedments, installation and drawings for
 168 unistruts and erection of support steel.

169 Any and all types of sheet metal smoke pipe, elbows, fittings and breeching for boilers,
 170 heaters and furnaces. All sheet metal lagging and jackets on engines. Any and all sheet metal drip
 171 pans, exhaust pipes, heads, safety flues, and other appliances in connection with or incidental to
 172 boilers, heaters, furnaces, engines, machinery, etc.

173 **SEC. 5(q).** Any and all types of sheet metal furniture and equipment, lockers, shelving,
 174 library stacks, warehouse, factory and storage stacks, bins, sinks, drainboards laboratory
 175 equipment, etc., specified for use as equipment or incidental to the operation of offices, factories,
 176 libraries, hotels, hospitals, apartments, schools, banks, public and semi-public buildings, and for
 177 general commercial use, and any and all types of caskets and coffins.

178 **SEC. 5(r).** Any and all sheet metal work in connection with or incidental to the equipment
 179 and operation of kitchens in hotels, restaurants, hospitals, lunch rooms, drug stores, banks, dining
 180 cars, public and semi-public buildings, including ranges, canopies, steam tables, work tables,
 181 dishwashers, coffee urns, soda fountains, warming closets, sink drainboards, garbage chutes and
 182 incinerators, refrigerators and other sheet metal work in connection with kitchen equipment or
 183 refrigerating plants.

184 **SEC. 5(s).** Any and all types of sheet metal work in connection with or incidental to laundry
 185 equipment and machinery, washers, clothes dryers and laundry chutes.

186 **SEC. 5(t).** Any and all types of sheet metal work, coppersmith work and mechanical work
 187 in connection with or incidental to the manufacture, fabrication, assembling, maintenance and
 188 repair of automobiles, buses, trucks, airplanes, pontoons, dirigibles, blimps, and other type of
 189 aircraft and equipment, and any and all types of aircraft hangars.

190 **SEC. 5(u).** Any and all types of sheet metal chandeliers, lamps and lighting fixtures,

191 ornaments, decorations, household ware, and miscellaneous articles for use in factories and mills;
 192 any and all types of sheet metal switch boxes, cut-out boxes, panel boards, cabinets and speaking
 193 tubes.

194 **SEC. 5(v).** Any and all types of sheet metal badges, buttons and novelties with all hard or
 195 soft soldering in connection with same by flame or other method.

196 **SEC. 5(w).** Any and all types of sheets, tubing, pipes and fittings, used in connection with
 197 or incidental to coppersmith work, regardless of gauge or material. The manufacture, fabrication,
 198 assembling, erection, maintenance, repair and dismantling of all said coppersmith work, including
 199 the bending of tubes, pipes and coils and all pipe fitting in connection with or incidental thereto,
 200 and the testing of equipment when installed to insure proper operation.

201 **SEC. 5(x). Boats and Ships, Definition and Duties.** Manufacture, fabrication,
 202 assembling, erection, hanging, application, adjusting, alteration, repairing, dismantling, re-
 203 conditioning, testing and maintenance of all sheet metal work and coppersmithing work in
 204 connection with or incidental to building, maintenance and repair of ships and boats, including
 205 smoke stacks, life rafts, life buoys, crow's nests, bulkheads, telegraph and speaking tubes, switch
 206 and cut-out boxes, lagging on boilers and engines, lining of all partitions, paint and lamp lockers,
 207 refrigerating compartments, battery compartments, galleys and shower baths, ventilation and
 208 kitchen equipment, ventilation piping and fittings, sheet metal lockers, sheet metal doors, sheet
 209 metal windows, steel and non-ferrous metal sheathing, sheet metal casings for housing cable, gong
 210 pull and mechanical telegraph leads, and metal lagging for machinery, boilers, pipelines, etc., sheet
 211 metal structural partitions and enclosures including pilasters, wire mesh and incidental fittings,
 212 launch and boat canopies, galley ranges, and their smoke pipes, sheet metal dresser tops, sheet
 213 metal ventilator cowls, air tanks, fuel oil tanks, battery lockers, metal furniture, sheet metal
 214 containers for handling and storing foods, paints, water and other materials, cooking utensils,
 215 funnels, measures and similar miscellaneous articles made of sheet metal; covers with sheet lead,
 216 such articles as battery boxes, battery shelves, iceboxes and other wooden and steel parts, and
 217 items subject to corrosion; measures, marks and cuts sheet lead to size; fits and forms it about
 218 surface to be covered by heating and hammering about the edges and into corners until snug fit is
 219 obtained; making templates, forms, developing, laying out and cutting patterns, shearing, flanging,
 220 forming bumping, rolling, spinning, punching, stamping, riveting, soldering, and all resistance
 221 welding (including, but not limited to, spot and seam welding) performed on machines designed
 222 for that purpose in connection with fabrication, assembly and repair of all sheet metal and all
 223 reinforcements in connection with the above specified work.

224 **SEC. 5(y). Roofing, Damp and Waterproofing.** The right to apply and install (i) Slate,
 225 tile, asbestos and asphalt roofing shingles and all cementing, laying of felt, paper, insulation or
 226 other underlayment, dressing, punching, cutting either by hand or by machinery in connection with
 227 slate, tile, asbestos and asphalt shingles and any and all substitute materials taking the place of
 228 slate, tile, asbestos and asphalt shingles and the removal of slate and tile when the same is to be
 229 re-laid.

230 (ii) Above deck roof vapor barriers of all kinds, roof insulation of all kinds, composition

and built-up roofing of all kinds including hot and cold applied, single ply application, prepared, plastic, fluid applied, sheet applied and mastic roofing, all associated roof surfacing including aggregates, coating, traffic planks, and decorative finishes.

(iii) Any and all materials used for damp proofing, waterproofing and/or weatherproofing regardless of location in building system or method of application of all laying of tile, brick, wood block, mastic or composition decks or floor when laid in pitch, tar, mastic or any other form of bitumen, all pre-formed waterproofing, compressed paper, chemically prepared paper, burlap and substitute waterproofing products.

(iv) All slabs of precast concrete, composition, mineral or other such materials placed over roofing or waterproofing.

(v) Unloading, handling and hoisting of all tools and materials to be used in connection with the work described above except where cranes or other heavy equipment is required. Employees shall operate their own job site equipment including but not limited to pumps, kettles, burners, hoists, spray guns, conveyors, mixers and all gasoline, propane or electrically powered equipment used in composition roofing system installations.

(vi) Any and all materials used in connection with the Environmentally Friendly Green Roofing Systems, including roofing, damp proofing, waterproofing and weatherproofing regardless of location and maintenance thereof.

These rights shall apply in localities where there is no established local union of the United Union of Roofers, Waterproofers and Allied Workers Association.

SEC. 5(z). Green Work. Any and all selection and layout of HVACR equipment, system, and control requirements, any and all sheet metal work, and the planning, design, implementation of workflow of any and all HVACR and sheet metal components, materials and subassemblies in conjunction with the design, development, layout, implementation, construction and documentation performed as any part of a building rating method, process, procedure or system either for new construction or renovations or retrofits of HVACR systems and sheet metal work falling under said rating method, process, procedure or system. This applies but is not limited to building rating method, process, procedure or system such as the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED™) Green Building Rating System, Green Globes™ certification by The Green Building Initiative (GBI) or the Building Research Establishment Assessment Method (BREAM) Canada as adopted by the Canadian Standards Association (CSA).

Any and all auditing, commissioning, testing, servicing and maintenance of all HVACR and sheet metal work in connection with a building rating method, process, procedure or system either for new construction or renovations or retrofits of HVACR systems and sheet metal work falling in part or whole under said rating method, process, procedure or system as described above.

SEC. 5(aa). Railroad shopmen shall include sheet metal workers (tinnerns), coppersmiths

and pipe fitters employed in shops, yards, buildings, on passenger coaches, work equipment, refrigeration, etc., and on engines of all kinds, skilled in the building, erecting, assembling, installing, dismantling and maintaining parts made of sheet copper, brass, tin, zinc, white metal and lead, black planished, galvanized and pickled iron, aluminum, stainless and chrome steel, Monel metal, German silver, and any other base or alloyed sheet metal. This shall include all flat, formed in brake or press, corrugated or ribbed sheets on rolled, drawn, pressed, extruded, stamped or spun shapes, tubing or forms of any sheet metal together with all necessary or specified reinforcements, hangars, brackets, hardware and fittings, mechanical or otherwise, regardless of gauge or weight of metal when part of the operation or fabrication of parts; brazing, soft or hard solder, torch spray or hand-soldering, tinning, leading, babbiting, bending, fitting, cutting, threading, brazing, clamping, testing, connecting and disconnecting of air, water, sand, gas, oil and steam pipes and the operating of babbit fires and pipe threading machines, oxyacetylene, Thermit electric welding on work generally recognized as sheet metal workers' work. This jurisdiction includes the work performed in the Maintenance of Equipment, Maintenance of Way and all other departments of the railroad.

SEC. 5(bb). Any and all work on structures and systems involving sheathing, encapsulating, neutralizing, decontaminating, ducting, vending, removing, bagging, boxing, wrapping, transporting or otherwise disposing of matter in solid, liquid, or gaseous form that is, or may be, toxic, noxious, noisome, poisonous, infectious, or otherwise hazardous to health including, but not limited to, radon or other harmful gas, fibrous glass, asbestos or other friable or particulate matter, and material contaminated by chemical, bacterial, microbiological, or radioactive substances.

SEC. 5(cc). The manual, mechanical and chemical cleaning of all interior and exterior duct and HVACR systems and equipment, including but not limited to: duct cleaning and cleaning in connection with building environmental heating, ventilating, air conditioning and cooling systems including risers, stacks, ducts, fittings, dampers, louvers, frames, grills, registers, diffusers, outlets, radiators, coils, washers, filters, kitchen exhaust systems and enclosures, plenums, fans and motors, under floor systems and all building environmental systems, and all work in connection with indoor air quality including post-cleaning reports, as well as all work specified in this Article.

SEC. 5(dd). All drawings and sketches by computer-aided design (CAD), hand, backgrounds, coordination used in shop fabrication and/or field erection, computer-aided manufacturing and pick off/take off -- the transformation, manual or electronic, from shop drawings to shop fabrication of ductwork and related items.

SEC. 5(ee). All project management, estimation, detailing, shop fabrication, field installation, performance-oriented tasks such as testing and balancing performed by or with the iTi's Construction Coordination Software (CCS) or similar software, which includes, but is not limited to the tasks of: scheduling, tracking, reporting, purchasing and ordering of materials; pick-offs take-off and drawing creation; shop drawing creation, as-built drawing creation and batch creation for fabrication; scheduling, inventory control, batch creation for fabrication and tracking; updating status of project completion, hanger placement using a total station, batch creation for

309 fabrication and scheduling TAB reporting, energy audits and commissioning; user account
310 creation, networking and standard creation.

311 **SEC. 5(ff).** All computer room and clean room air systems including but not limited to
312 floors, walls, fume hoods, ceilings, HEPA filters, any other filtration systems and other
313 appurtenances thereof and other architectural sheet metal work and metal wall protection systems.

314 All fabrication, handling and installation of semiconductor and nanotechnology industry-
315 related air systems, including but not limited to, vacuum pump and/or tool exhaust systems,
316 scrubber pipe/duct (regardless of material used), headers and exhaust to atmosphere, exhaust fans,
317 dry scrubbers, exhaust, vent lines from gas, tool and vacuum pump cabinets, exhaust lines from
318 wet benches and burn boxes, all dampers and/or air valves associated with exhaust/vent lines listed
319 in this Section.

320 **SEC 5(gg).** Milling, fashioning, joining, assembling, erection, fastening or dismantling of
321 all material of wood, plastic, metal, fiber, cork and composition, and all other materials as well as
322 the handling, cleaning, erecting, installing, repair, renovation, maintenance, and dismantling of all
323 machinery and equipment.

324 **SEC 5(hh).** Any and all work with and on robotics, including but not limited to, rigging,
325 handling, installing, maintaining, programming, and use of all stationary and/or portable robots,
326 including the use of all robots used in any industry, including the nuclear field.

327 **SEC. 5(ii).** All items of work described in Sections (a) to (hh) in which plastics or other
328 materials are used in lieu of sheet metal, or the operation of any equipment, methods, processes or
329 new technology used as a substitute, replacement or change of traditional HVACR and sheet metal
330 jobs, methods or procedures.

331 **SEC. 5(jj).** Any and all welding, rigging and hoisting in connection with the work specified
332 in this Article.

333 **SEC. 5(kk).** Each local union and council of this Association and all officers,
334 representatives and members thereof are obligated to recognize, protect and to be governed by the
335 jurisdictional rights as set forth herein, and no local union, council, officer, representative, or
336 member thereof shall waive or relinquish claim to any such work or submit same to arbitration
337 except with the approval and authority of the General President.

338 **SEC. 5(ll).** Nothing contained in this Section 5 shall be construed as any limitation on the
339 jurisdictional claims of this Association to production work.

340 **SECTION 6--REVENUE AND FUNDS**

341 **SEC. 6(a).** The revenue of this Association shall be derived from the charter fees, initiation
342 fees, reinitiation fees, reinstatement fees, per capita dues, dues, assessments, sale of supplies, fees
343 for services rendered, interest on deposits, income and capital gains on investments, and grants.

Pursuant to the provisions of the Labor Management Relations Act, it is the duty of every officer, agent, employee and other representative of this Association, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of this Association and its members and to manage, invest, and expend the same in accordance with this Constitution and by-laws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with this Association as an adverse party in any matter connected with his or her duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interest of this Association, and to account to this Association for any profit received by him or her in whatever capacity in connection with transactions conducted by him or her or under his or her direction on its behalf. Since the general executive, administrative and judicial powers of this Association are vested in the General Executive Council in the interim between Conventions, the General President and General Secretary-Treasurer shall manage, invest and expend the funds and property of this Association in accordance with all applicable provisions of this Constitution and any resolution adopted by the General Executive Council not inconsistent therewith.

SEC. 6(b). Except as otherwise provided in this Constitution the revenue of this Association shall be divided into four (4) funds; namely, the General Fund, the Strike/Defense Fund, the Disaster Relief Fund and the General Convention and Business Managers and Business Representatives Conference Fund.

SEC. 6(c). The Strike/Defense Fund shall be maintained and disbursed in accordance with the provisions of Article Thirty (30) of this Constitution.

SEC. 6(d). The Disaster Relief Fund shall be maintained and disbursed in accordance with Article Ten (10), Section 16 of this Constitution.

SEC. 6(e). The General Convention and Business Managers and Business Representatives Conference Fund shall be maintained and disbursed in accordance with Article Thirty-Two (32) of this Constitution.

SEC. 6(f). All revenue of this Association not allocated to the Strike/Defense Fund or the General Convention and Business Managers and Business Representatives Conference Fund or the Disaster Relief Fund shall be placed in the General Fund from which there shall be paid the salaries of officers, the general operating expenses of the General Office, the contributions to the National Pension Fund on behalf of Staff, the Sheet Metal Workers' International Association Staff Pension Plan, and the National Supplement Savings Fund on behalf of Staff established pursuant to and in accordance with the provisions of Section 13 of Article Two (2), the payment of premiums for insurance benefits for members provided pursuant to and in accordance with Section 9 of Article One (1), and such other necessary or proper expenses in connection with, or incidental to the promotion of the general good, defense, protection and operation of this Association.

SEC. 6(g). Except as hereinafter otherwise provided, all funds of this Association not held in cash or on deposit in commercial bank accounts in the name of Sheet Metal Workers' International Association shall be deposited, invested or expended in the name of Sheet Metal

383 Workers' International Association pursuant to the following guidelines:

- 384 1. In bonds or other securities issued or secured by the United States of America or one
385 of its agencies, or Canada; but not to exceed eighty-five percent (85%) of the total
386 assets of the Association.
- 387 2. In federally insured banks that pay competitive rates of interest on such deposits in the
388 United States and Canada selected by the General Secretary-Treasurer and approved
389 by the General President.
- 390 3. In savings accounts and shares of savings and loan associations selected by the General
391 Secretary-Treasurer and approved by the General President, to the extent that such
392 accounts are fully guaranteed against loss of principal by the United States Government
393 or one of its agencies; and further that these accounts do not exceed ten percent (10%)
394 of the total assets of this Association.
- 395 4. In corporate bonds including convertible debentures and/or preferred stocks including
396 convertible preferred stocks; but not to exceed forty percent (40%) of the total assets
397 of this Association.
- 398 5. In mutual funds and corporate common stocks listed on the New York, American, or
399 NASDAQ Stock Exchanges; but not to exceed seventy-five percent (75%) of the total
400 assets of this Association.
- 401 6. In commercial paper for short terms of no more than ninety (90) days, and preferably
402 in multiples of One Hundred Thousand Dollars (\$100,000.00), provided the
403 corporations issuing the commercial paper have been approved by the General
404 President and General Secretary-Treasurer, and further that these temporary
405 investments do not exceed forty percent (40%) of the total assets of this Association.
- 406 7. In broker or custodial cash accounts with reputable firms pending further investment
407 or in money market accounts of investment grade banks or financial institutions.
- 408 8. With respect to corporate bonds, convertible debentures, preferred stocks, convertible
409 preferred stocks, common stocks, and commercial paper, but not to include mutual
410 funds, the investment in any one company is restricted to two and one half percent (2
411 ½ %) of the total assets of this Association.
- 412 9. With the approval of the General Executive Council, (a) for the purchase, lease, rental,
413 or construction of buildings or the purchase, lease, or rental of property upon which
414 such buildings may be constructed, or both or (b) for the purchase, lease or rental of
415 buildings or real property or an interest therein which will be used, in whole or in part,
416 for the General Office of this Association or branches thereof and/or to provide suitable
417 furnished living quarters or allowance for such within the metropolitan Washington
418 D.C. area for the General President and General Secretary-Treasurer during their

Investments specified in Items 4, 5, 6, and 7 above, that are rated below "investment grade" by Standard and Poor's and Moody's investment services shall be made only upon the written recommendation of a recognized and qualified investment authority who has been approved by the General Executive Council.

435 **SEC. 6(h).** A uniform system of bookkeeping and records shall be established at the
436 General Office by the General Secretary-Treasurer and all local unions, councils, officers,
437 representatives, and members thereof shall conform to said uniform system of bookkeeping and
438 records in submitting reports, in correspondence, and in all other relations with the General Office,
439 and in all matters affecting the record or standing or obligations of local unions, councils, officers,
440 representatives, and members thereof.

444 **SEC. 6(j).** The fiscal quarters of each year shall begin January 1, April 1, July 1 and
445 October 1.

447 **SEC. 7.** The Association shall not be dissolved so long as five (5) or more local unions in
448 good standing acknowledge its authority and comply with all of the provisions of this Constitution.

450 **SEC. 8(a).** Whenever the amount of money in the General Fund falls below Seven Million
451 Dollars (\$7,000,000.00), assessments shall be levied by this Association and said assessments shall
452 be paid by all members in such amounts and in such manner as may be necessary to restore and
453 maintain the sum of Seven Million Dollars (\$7,000,000.00) in the General Fund. The amount of

each assessment and the manner and time limit for payment shall be determined by the General President with the approval of a majority of the General Executive Council.

SEC. 8(b). Whenever the General President deems it necessary to call for an assessment other than that provided for in Section 8(a) of this Article he shall authorize the General Secretary-Treasurer to notify the General Executive Council of same. If the General Executive Council approves the recommendation of the General President, by majority vote, the General Secretary-Treasurer shall then send a circular and ballots to all local unions of this Association calling for a vote of their membership by secret ballot, and specifying the reason for said assessment. The voting shall take place at a regular or special meeting of each local union after notice to the membership that such vote will be taken and only those members who are present shall be entitled to vote. Local unions shall be required to make complete returns of their vote to the General Secretary-Treasurer within thirty (30) days after they have received their ballots from the General Secretary-Treasurer and the president, financial secretary-treasurer, and tellers, if any, shall certify as to the correctness of the result. All ballots sent to the local union shall be returned to the General Secretary-Treasurer after the vote whether they were voted or not. If a majority of all valid votes cast, pursuant to the call of the General Secretary-Treasurer, are in favor of the assessment the prior action of the General Executive Council in approving it shall become effective provided that such assessment shall be effective only until the next regular Convention of this Association. Ballots must be returned to the office of the General Secretary-Treasurer within forty-eight (48) hours after the vote of the local union has been completed.

SEC. 8(c). No per capita dues shall be accepted by the General Secretary-Treasurer or credited by him on the record of any member, following the date or dates any assessments provided for in this Section become due, until the assessments due from such member are actually received by the General Secretary-Treasurer.

SECTION 9--INSURANCE BENEFITS

SEC. 9(a). The General Executive Council is authorized to consummate a contract with such insurance company and/or self-insure as it may select to provide insurance benefits covering accidental death, dismemberment and loss of vision for those members of this Association who meet the qualifications set forth in Section 9(b) of this Article. Such benefits shall not exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) per member, except that in the event the General Executive Council determines that the cost of an increased benefit is feasible, it may, without further Convention action, authorize such increase to an amount not exceeding Twenty Thousand Dollars (\$20,000.00).

SEC. 9(b). In order to be eligible to receive any of the benefits for which provision is made in this Section, a member must have paid his or her dues in advance for the month in which his or her claim to benefits accrued and no member whose dues have not been paid on or before the first day of any month shall be entitled to any benefits during that month. Members on withdrawal card, limited members, special limited members and associate members are not eligible for this insurance benefit.

SEC. 9(c). The General Executive Council is also authorized, to purchase life or other

494 types of insurance policies, with the International as the principal beneficiary, insuring the life of
 495 the General President in such amount as it may consider appropriate to protect this International
 496 Association against the loss that would be incurred from the untimely death of said General Officer
 497 during his term of office.

498 **SECTION 10--RESPONSIBILITY**

499 **SEC. 10.** It is the obligation and responsibility of every officer, member, local union and
 500 council of this Association, to comply with the provisions of this Constitution and the valid
 501 decisions of the officers of this Association in conformity therewith and they shall refrain from
 502 any conduct which interferes with the performance by the Association or its subordinate units of
 503 their obligations under law or contract or from any conduct which defeats or is designed to defeat
 504 or subvert the lawfully declared and established policies and objectives of this Association, or
 505 which may defame it or any of its officers, members or subordinate units.

506 **SECTION 11 - SERVICE BY MAIL**

507 **SEC. 11.** For purposes of Articles Two (2), Eighteen (18), and Nineteen (19) of this
 508 Constitution, where mailing is required, a document shall be deemed received by the party to
 509 whom it is addressed at the time such document is mailed by certified, registered, or overnight
 510 mail, the date on the postmark or overnight receipt being determinative. When calculating time
 511 limits, the reference to "days" shall mean calendar days.

ARTICLE TWO (2)

General Officers

SECTION 1--NUMBERS AND TITLES

1 **SEC. 1.** The General Officers of this Association shall be the General President, the
 2 General Secretary-Treasurer, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth,
 3 Tenth, and Eleventh General Vice Presidents. At least one of such General Vice Presidents shall
 4 be a member of a Canadian Local Union and at least one shall be a member of a Production Local
 5 Union.

6 **SECTION 1(a)--FINANCIAL SUPPORT FOR CAMPAIGN**

7 **SEC. 1(a).** No candidate, including a prospective candidate, for any position set forth in
 8 Article Two (2), Section 1, or supporter of a candidate, may solicit or accept financial support, or
 9 any other direct or indirect support of any kind, except an individual's own volunteered personal
 10 time, from any nonmember, owner-member, or associate or honorary member.

SECTION 2--QUALIFICATIONS

SEC. 2. Candidates for a General Office must be members in good standing of a local union for a period of at least two (2) consecutive years immediately preceding their nomination and election or appointment and otherwise meet the qualifications of Article Twelve (12) of this Constitution.

They must also at the time of their nomination and election or appointment either (a) be working at the trade for at least two (2) years immediately prior thereto, (b) be salaried officers or representatives of this Association, (c) be salaried officers or representatives of a local union or council, or (d) be salaried officers or representatives of the AFL-CIO or an affiliate or subordinate unit thereof.

SECTION 3--AUTOMATIC CONVENTION DELEGATES

SEC. 3. The General President, the General Secretary-Treasurer and all General Vice Presidents shall be delegates to all Conventions of the International Association by virtue of their offices and shall have a voice and vote in the deliberations and discussions but shall not be entitled to vote in the election of General Officers unless elected as a delegate by secret ballot of the membership of their respective local unions.

SECTION 4--MANDATORY TENDER OF RESIGNATION

SEC. 4. Any officer of this Association when not employed at the trade, not a salaried officer or representative of a local union or council, not a salaried officer or representative of the AFL-CIO or an affiliate or subordinate unit thereof, or not in the full time service of this Association or who is a recipient of a pension from the industry as an annuity or a lump sum, shall immediately tender his or her resignation as a General Officer, which must be accepted, and the vacancy filled as provided for in this Constitution.

SECTION 5--TIME OF ELECTION

SEC. 5. All General Officers shall be nominated and elected by the Convention at a session commencing on the third (3rd) day of the Convention which shall continue in session until the nominations and elections of officers have been completed, unless otherwise ordered by the Convention.

SECTION 6--METHOD OF ELECTION

SEC. 6. No member shall be nominated for more than one (1) General Office and nomination and election for each General Office shall be held separately. If there are two (2) or more nominations for any General Office, the vote for such contested office shall be by roll call vote of the delegates and each local union and council having seated delegates present shall be entitled to the number of votes accorded it under Section 2(a) of Article Seven (7) of this Constitution. In the event that the delegates from a local union are unable to agree on the candidate

for whom the votes of the local union shall be cast, each delegate of such local union shall be entitled to cast an equal pro rata share of the votes to which each local union is entitled except that any odd votes shall be cast by a delegate from such local union who is selected by lot. In the event there are contests for one or more General Offices, a single roll call shall be conducted for all such contested General Offices which shall be conducted at the conclusion of the votes on all General Offices for which there is no contest. Each delegate desiring to cast votes on the roll call shall identify his or her local union and state the number of votes he or she wishes to cast for a candidate for each such contested General Office.

The presiding officer shall appoint three (3) clerks who shall record the votes cast by the delegates from each local union and council and prepare and sign a report of the number of votes cast for each candidate. The candidate for each office receiving the highest number of votes shall be declared elected.

Incumbents of the offices of the First (1st) General Vice President to and including Eleventh (11th) General Vice President shall rank in the order of their length of service and at the conclusion of the election of General Officers the member last elected to one of said offices at such Convention shall become Eleventh (11th) Vice President and said other General Vice Presidents advanced in numerical order.

SECTION 7 - ELECTION PROTEST

SEC. 7. Any protest to the election must be received by the General Secretary-Treasurer within seven (7) days from the date of the closing of the Convention, provided, however, that any member having knowledge of an alleged irregularity in the election but fails to notify the Chairman of the Rules Committee of the same shall not be entitled to file a protest of such irregularity. Such protest shall be in writing, setting forth the specific grounds, and signed by the complaining member or members. The General Executive Council shall hold a hearing on the protest(s) within fifteen (15) days after receipt of the same and shall make a final decision within seven (7) days after the conclusion of the hearing.

SECTION 8--TERM OF OFFICE

SEC. 8. All General Officers shall hold office until the end of the quarter in which the General Convention is held or until their successors are duly selected and installed, whichever occurs last, provided, however, that all General Officers elected at Conventions, shall be obligated immediately after the election.

SECTION 9--FILLING VACANCY IN OFFICE OF GENERAL PRESIDENT

SEC. 9. Should a vacancy occur in the office of General President as a result of death, incapacity, resignation or any other cause, the General Secretary-Treasurer shall immediately notify the General Executive Council of the vacancy which shall, by majority vote at a duly-scheduled or special-called session of the General Executive Council within thirty (30) days, elect a General President for the unexpired term. In the event the office of General Secretary-Treasurer

shall also be vacant, such notice shall be provided by the highest ranking General Vice President.

SECTION 10-FILLING VACANCY IN OFFICE OF GENERAL SECRETARY-TREASURER

SEC. 10. Should a vacancy occur in the office of General Secretary-Treasurer as a result of death or incapacity, resignation or any other cause, the General President shall immediately notify the General Executive Council of the vacancy which shall, by a majority vote at a duly-scheduled or special-called session of the General Executive Council within thirty (30) days, elect a General Secretary-Treasurer for the unexpired term. In the event the office of General President shall also be vacant, such notice shall be provided by the highest ranking General Vice President.

SECTION 11--FILLING VACANCIES IN OTHER GENERAL OFFICES

SEC. 11(a). In case of a vacancy in the offices of First (1st) General Vice President to and including Eleventh (11th) General Vice President, the General President shall propose to the General Executive Council, as soon as practicable, the name of any eligible member and with the consent of a majority of the General Executive Council such member shall become a member of the General Executive Council. The member last appointed to the General Executive Council as provided in this Section shall become Eleventh (11th) General Vice President, the ranking members of the General Executive Council advancing in numerical order. Such appointee shall be obligated by the General President.

SEC. 11(b). Should a vacancy occur whereby no General Vice President who is a member of a Production Local Union remains on the General Executive Council as a result of death, incapacity, resignation or any other cause, the General President shall within ninety (90) days from the date of vacancy propose to the General Executive Council the name of any eligible Production Local Union member and with the consent of a majority of the General Executive Council such member shall become the successor to that General Vice President for the unexpired term. Such appointee shall be obligated by the General President.

SEC. 11(c). Should a vacancy occur whereby no Canadian Vice President remains on the General Executive Council as a result of death, incapacity, resignation or any other cause, the General President shall within ninety (90) days from the date of vacancy propose to the General Executive Council the name of an eligible Canadian member after first consulting with and obtaining the approval of the Canadian Council of Sheet Metal Workers and Roofers. Such member, with the consent of a majority of the General Executive Council, shall become the General Vice President for Canada for the remaining unexpired term. Such appointee shall be obligated by the General President.

SECTION 12—COMPENSATION AND EXPENSES

SEC. 12. The compensation and expenses of the General Officers and the method of determining same shall be as established by the 1990 Convention action and shall continue thereafter with the adjustments set forth under Article Eight (8), Section 7 until changed by action

of a subsequent Convention.

SECTION 13--PENSIONS

SEC. 13(a). Except as otherwise provided in this Section 13, General Officers, International Representatives, Organizers and Administrative Staff shall be covered by the "Sheet Metal Workers' International Association Staff Pension Plan." The Trustees of the Sheet Metal Workers' International Association Staff Pension Fund shall be appointed by the General President with the approval of the General Executive Council. The General Secretary-Treasurer is directed to transmit up to Three Dollars (\$3.00) per member per month for the purpose of assuring the continued operation of said Plan. The amounts transmitted shall be allocated to the "Sheet Metal Workers' International Association Staff Pension Fund" to meet the cost of the Plan as determined by the Plans' Enrolled Actuary.

SEC. 13(b). The General Executive Council may in its discretion authorize the payment of an annuity to be paid from the General Fund of this Association upon such terms and conditions as it may decide to any full time General Officer, International Representative, Organizer or Administrative Staff Assistant of this Association who retires from such office or position either before having completed twenty (20) years of full time service or before having attained the age of sixty-five (65) years, or both, if in its judgment such General Officer, International Representative, Organizer or Administrative Staff Assistant is unable to perform his or her duties in an efficient or satisfactory manner because of age, illness or physical incapacity, or whose pension under the Sheet Metal Workers' International Association Staff Pension Plan shall be less than that accorded other persons pursuant to the provisions of this Section.

SEC. 13(c). Any annuity provided for in Subsection 13(b) of this Article may be terminated if, after hearing before the General Executive Council, the recipient thereof is found guilty of violating the laws, policies and principles of this Association, subject to appeal to a General Convention.

SEC. 13(d). Notwithstanding the provisions of this Section, the General Executive Council or the General Convention, by resolution, may increase the amount of the pensions provided for in Section 13(b) of this Article.

SEC. 13(e). There shall be established and maintained by the International Association the National Supplemental Savings Fund in which all General Officers, International Representatives and Organizers, and Administrative Staff in the United States may participate. There shall be established a comparable savings or alternate compensation plan on behalf of all General Officers, International Representatives and Organizers, and Administrative Staff in Canada.

SECTION 14--CHARGES AND TRIALS OF GENERAL OFFICERS

SEC. 14(a). All charges preferred against General Officers of this Association for violation of the duties or obligations of their General Office shall be in the form of a written affidavit and

shall contain a detailed statement of the facts out of which such charges originated, specified reference to the provisions of the Articles, Sections and Paragraphs of this Constitution or the policies, decisions, laws, rules or regulations which it is alleged have been or are being violated. Such charges may be filed against a General Officer by another General Officer, by any local union, or by an individual member in good standing, provided, however, that the filing of charges by an individual member other than a General Officer must first be approved by the local union of which such individual member is a member and such charges shall be accompanied by a written statement signed by the president of such local union that approval was obtained by a majority vote at a regular or special meeting of the local union.

SEC. 14(b). Such charges shall be mailed in duplicate by registered, certified, or overnight mail to the General Secretary-Treasurer by the president of the local union which preferred the charges or which approved the filing of the same at the request of a good standing member thereof; except that if the charges are filed by a General Officer they may be filed by such General Officer directly with the General Secretary-Treasurer. Should charges be preferred against the General Secretary-Treasurer, they shall be filed in the manner specified herein with the General President.

SEC. 14(c). When charges have been properly filed, as provided herein, a copy thereof shall be furnished the accused by the General Secretary-Treasurer, or the General President as the case may be; and notice of the fact that such charges were filed shall be sent to all local unions in the International Association. The accused shall, within fifteen (15) days from the date of receipt of a copy of such charges, file an answer with the General Secretary-Treasurer or General President as the case may be.

SEC. 14(d). Upon receipt of an answer from the accused, or in the event no answer is received, within the time prescribed in Section 14(c) of this Article, each member of the General Executive Council shall be furnished copies of the charges, answer and other documents filed by the parties in connection with such charges.

SEC. 14(e). After having been furnished with copies of the charges and other documents in connection therewith, the General Executive Council shall set a time and place for hearing or trial before the General Executive Council and notify the accused and the party or parties preferring the charges, by registered, certified or overnight mail, of the time and place of such hearing or trial.

SEC. 14(f). All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of their case and shall be entitled to cross-examine witnesses of the other party or parties.

SEC. 14(g). Upon the completion of the presentation of all evidence the General Executive Council, without the participation of any member or members thereof by whom or against whom the charges under consideration have been preferred, shall decide what disposition shall be made of such charges and fix the penalty, if any, to be assessed. Notice of the outcome of such charges shall be sent to all local unions in the International Association.

SEC. 14(h). Either party shall have the right to appeal to the General Convention from the decision of the General Executive Council but pending such appeal the action of the General Executive Council shall stand.

SEC. 14(i). Appeals to the General Convention from decisions of the General Executive Council, on charges preferred against General Officers, shall be filed with the General Secretary-Treasurer within sixty (60) days of notice of the decision of the General Executive Council, and such appeals shall be submitted to the General Convention on the basis of findings of the facts and decision of the General Executive Council. The General Convention shall vote without debate solely on the question of whether to accept or reject the decision of the General Executive Council. A majority vote of the General Convention shall be final.

SECTION 15--SURRENDER OF PROPERTY

SEC. 15. All General Officers, at the expiration of their incumbency in office and when their successors have been duly qualified, shall deliver to them all books, records, papers, monies and other property in their possession, belonging to this Association.

ARTICLE THREE (3)

General President

SECTION 1--GENERAL DUTIES AND AUTHORITY

SEC. 1. The General President, by virtue of his office, shall be a delegate to all Conventions of the International Association and shall have a voice and a vote in the deliberations and discussions but shall not be entitled to vote in the elections of General Officers unless elected as a delegate by secret ballot of the membership of his local union and shall preside at all meetings and Conventions of this Association and at meetings of the General Executive Council. He shall preserve order and in all cases where the vote is equally divided in a Convention or meeting of the General Executive Council he shall cast the deciding vote. He shall enforce all laws of the Association, decide all questions of order and usage, interpret and decide all points of law and controversies and decide all constitutional questions. Between Conventions he shall have general supervision of this Association and shall sign all charters and all other documents which require his signature for authentication, subject to the approval of the General Executive Council.

He shall submit monthly to the General Secretary-Treasurer an itemized account of all monies expended by him on behalf of this Association, which account shall be paid by the General Secretary-Treasurer.

Subject to the approval of the General Executive Council, he shall have authority to form alliances where in his opinion it would be for the best interests of the trade, and to negotiate and enter into treaties and agreements with any national or international unions including agreements to merge other national or international labor organizations into this International on such terms

and conditions as may be deemed appropriate and in the best interests of this International Association and the members thereof. With respect to any merger in which the Sheet Metal Workers' International Association is subsumed by a larger International, said merger must first be ratified by a General or Special Convention for that specific purpose. He shall appoint and compensate delegates to the Conventions of the American Federation of Labor and Congress of Industrial Organizations and its departments and shall appoint and compensate all special committees.

Where circumstances warrant, additional compensation and expense allowances, including reasonable cost of lodging, may be made by the General President.

He shall preserve all important documents, papers, accounts and letters sent and received by him on the business of this Association for a period of at least five (5) years.

SECTION 2--SUPERVISION OF LOCAL UNIONS, COUNCILS AND OFFICERS THEREOF

SEC. 2(a). Supervision. The General President shall have direction and supervision of all local unions, state, provincial, and district councils and all of the officers thereof. He shall have full authority to suspend the charter of any local union or council for failure of its officers or members to comply with the provisions of this Constitution or with the policies of this Association; for conducting its affairs in a manner which is detrimental to the members thereof or to the best interests of this Association; for impairing the standing of such local union or council or the standing of this Association with other trades; for condoning internal strife which is detrimental to the best interests of such local union or council, the members thereof or this Association; for conducting its affairs in such manner as to bring such local union or council into disrepute with the public or employers or for disregarding the instructions, decisions, or orders properly issued by any officer or tribunal of this Association and to remove from office any officer or representative of any local union or council for incompetence, negligence, insubordination, failure or refusal to obey any valid decision or order of the General President, General Secretary-Treasurer or the General Executive Council or for violation of this Constitution or the policies of this Association or for any other neglect or failure of duty. Such suspension of charter or removal from office shall continue until the conditions causing the same have been corrected or until after trial and appeal the charter of such local union or the removed officer has been ordered reinstated, whichever has been ordered first.

Any order of suspension of the charter of a local union or council or of removal from office of any officer or representative thereof, issued by the General President, shall be mailed or otherwise delivered to the affected union or officer or representative together with a full statement of the charges upon which such action is based. Said charges shall also contain a notice of the right of such local union, council, officer or representative to a hearing on such charges in accordance with the provisions of Article Eighteen (18) of this Constitution.

Should a local union charter be suspended as provided herein, the members thereof who are not directly involved in or parties to the controversy or causes leading to the suspension of

such charter, shall be accorded the right to maintain their good standing and the General President and General Secretary-Treasurer shall make such arrangements as may be necessary to preserve such right.

SEC. 2(b). Filling Vacancy of Removed Officer. The General President shall have authority to direct any local union or council to temporarily fill the office or position of any officer or representative of such local union or council removed in accordance with Section 2 of this Article pending the disposition of the charges on which such removal was based. In the event any local union or council fails or refuses to temporarily fill such vacancy within such reasonable time as may be specified by the General President, he shall have authority to designate a member of such local union or council to fill the same pending the disposition of such charges.

SEC. 2(c). Trusteeship of Local Unions and Councils. Whenever there are reasonable grounds to believe that the officers or members of a local union or council are failing to comply with the provisions of this Constitution or with the policies of this Association; conducting the affairs of such local union or council in a manner which is detrimental to the best interests of such local union or council, or its members or this Association; engaging in acts of corruption or financial malpractice; failing to properly discharge the duties of a collective bargaining representative; acting in a manner which brings such local union or council into disrepute with the public or with employers; or disregarding the valid instructions, decisions or orders issued by any officer or tribunal of this Association, the General President shall have authority to place such local union or council under Trusteeship, provided that a Trusteeship that is to be continued for a period of more than sixty (60) days shall be subject to ratification by the General Executive Council or Subcommittee thereof after a hearing. During Trusteeship such local union or council shall take no official action without the approval of the General President or a representative designated by him to supervise and direct the Trusteeship. Such Trusteeship shall continue until (a) the causes thereof have ceased, (b) the charter of such local union has been revoked, withdrawn or transferred under procedures prescribed in this Constitution, or (c) restoration of autonomy is directed as the result of a decision made upon appeal under this Constitution.

During Trusteeship of any local union or council, the General President or his designated representative shall have authority to take such action as he deems necessary to protect the interest and welfare of such local union, council and this Association, and the funds, property and membership thereof, including, but not limited to, the authority to suspend from office for the duration of the Trusteeship, or permanently remove from office, in either case with or without pay, and with or without cause, local union or council officers, business manager, or business representatives; fill vacancies in such offices with any representatives of this Association or members of such local union by appointment, or call elections for that purpose, or leave some or all of the offices vacant; combine one or more offices and positions; and impound the books, records, funds and property of any such local union or council.

Notwithstanding that they have been elected to fixed terms of office, the officers, business manager and business representatives of a local union or council under Trusteeship shall serve in office throughout the period of the Trusteeship at the pleasure of the General President or his representative. They shall act in accordance with his instructions and faithfully implement the

99 programs, policies and directives promulgated by him so that the conditions that necessitated
 100 imposition of the Trusteeship may be corrected and autonomy restored to the local union as soon
 101 as possible.

102 During Trusteeship no votes of delegates from such local union or council shall be counted
 103 in a Convention of this Association unless such delegates have been chosen by secret ballot in a
 104 local union or council election in which all members in good standing are eligible to participate.

105 **SEC. 2(d). Revocation of Charters.** With the approval of the General Executive Council
 106 the General President may revoke the charter of any local union or council found guilty after trial,
 107 of any violation of the provisions of this Constitution or of failure to comply with valid orders,
 108 decisions or policies of this Association.

109 Should it be necessary to revoke a local union charter, provision shall be made for the
 110 transfer of all local good standing members to other affiliated local unions.

111 **SEC. 2(e). Review of Decisions of Local Unions and Councils.** The General President
 112 shall have full authority to approve, modify, revise, defer, suspend or reverse any decision of a
 113 local union or council or any officer thereof, or of a trial committee of a local union or council, or
 114 any action taken by any local union or council in connection therewith, if such decision or action
 115 is contrary to the provisions of this Constitution or the established policies of this Association, is
 116 contrary to the evidence, or the penalty imposed is deemed inadequate or excessive, subject to
 117 appeal as provided in Article Nineteen (19).

118 **SEC. 2(f). Call of Special Meetings of Local Unions and Councils.** Local unions, state,
 119 provincial, and district councils shall, upon call of the General President or a duly authorized
 120 representative of this Association after official notice to the duly authorized officers of said local
 121 unions, state, provincial, and district councils, assemble and convene in meeting at such time and
 122 place and for such purpose as may be designated in the call and official notice issued; and said
 123 meeting shall not adjourn without the approval and consent of the General President or the duly
 124 authorized representative of this Association calling said meeting.

125 **SEC. 2(g). Jurisdiction of Local Unions and District Councils.** The General President
 126 shall have full authority to specify, designate or change the specific territory, project or projects
 127 and classes of work over which each local union or district council shall exercise jurisdiction, to
 128 organize and charter additional local unions or district councils in accordance with this
 129 Constitution and to determine the specific territory and classes of work over which newly chartered
 130 locals or district councils shall have jurisdiction, to separate and divide membership of any local
 131 union or district council into two or more local unions or district councils, to amalgamate or merge
 132 two or more local unions or district councils when it is advisable or necessary in the best interests
 133 of this Association and the members thereof and, except as otherwise provided in this Section, to
 134 establish the terms and conditions under which such separations, amalgamations and mergers shall
 135 be consummated including where necessary the establishment of additional locations within the
 136 jurisdiction of the local union which will afford the members an adequate opportunity to nominate
 137 candidates and vote in elections and to classify and separate members and applicants for

membership into such local unions or district councils as will best protect the interests of this Association and the members thereof subject to appeal as provided in Article Nineteen (19). Whenever the membership of one local union or district council is separated into two or more local unions or district councils pursuant to this Section, the funds, assets and liabilities of such local union or district council may be pro-rated among the involved unions or district councils as equitably as possible by the General President.

Any distribution or attempted distribution of funds or property of a local union or council in anticipation of an amalgamation, merger or separation without the consent of the General President shall be a violation of this Constitution and of the authority of any officer or officers of a local union or council and the members thereof.

SEC. 2(h). Audits. The General President shall have authority to order an audit of the books and accounts of any local union or council of this Association. A report of such audit shall be made to the General President, General Secretary-Treasurer and the General Executive Council. The books and accounts of any local union or council shall be at all times open to inspection of auditors appointed and authorized by the General President under this Section.

SECTION 3--SUPERVISION OF INDIVIDUAL MEMBERS

SEC. 3(a). Suspension. The General President shall have authority to suspend any member of this Association or of any local union affiliated therewith who, after charges and trial, has been found guilty of insubordination, treasonable conduct, violation of any provision of this Constitution, failure to comply with any valid order or decision of this Association or the officers thereof or any established policy of this Association.

SEC. 3(b). Penalties. Any member who is found guilty of any violation of the provisions of this Constitution after charges and trial may be reprimanded, fined, suspended or expelled from membership by the General President.

SECTION 4--MEETINGS OF BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

SEC. 4. The General President shall arrange for local business managers and business representatives to assemble in conference at such times and places as in his judgment are advisable. Action taken at such conferences shall be subject to approval of the General Executive Council.

SECTION 5--ATTORNEYS

SEC. 5. The General President shall have authority to employ an attorney or attorneys to represent and protect the interests of this Association.

SECTION 6--REPORTS

SEC. 6. It shall be the duty of the General President to have printed reports prepared and

distributed among the delegates on the opening day of each General Convention. The report of the General President and the General Executive Council may be combined.

SECTION 7

SEC. 7. The General President shall devote all of his time to the interests of this Association, and its affiliated and related entities and organizations, and to the performance of his duties as General President as specified in this Constitution, and to the performance of his duties to this Association's affiliated and related entities and organizations.

SECTION 8

SEC. 8. The General President and the General Secretary-Treasurer or their designees shall be entitled to attend and participate in all local union and council meetings throughout the United States and Canada including general and special membership and Executive Board meetings.

SECTION 9 -- GENERAL PRESIDENT EMERITUS

Sec. 9. The General Executive Council may appoint one or more retired past General Presidents as General President Emeritus. This appointment may be made at any time and need not occur immediately at the end of that General President's term in office. The General Executive Council shall determine how long the term of a General President Emeritus shall last. The General President may assign duties and responsibilities to a General President Emeritus and defray his reasonable expenses.

ARTICLE FOUR (4)

General Vice Presidents

SECTION 1 – GENERAL DUTIES

SEC. 1. The General Vice Presidents by virtue of their office shall be delegates to all Conventions of the International Association and shall have a voice and vote in all deliberations and discussions but shall not be entitled to vote in the elections of General Officers unless elected as a delegate by secret ballot of the membership of their respective local unions.

It shall be the duty of the General Vice Presidents to render such assistance to the General President as he may require or direct. They shall neither assume authority to represent or act for or in the name of this Association, nor shall they incur or assume any liability, obligation or expense in the name of this Association except by the express direction of and only to the extent authorized by the General President. This Association shall not be responsible or liable for acts of the General Vice Presidents unless authorized in the manner provided herein.

ARTICLE FIVE (5)

General Secretary-Treasurer

SECTION 1--GENERAL DUTIES

SEC. 1(a). The General Secretary-Treasurer shall serve as Executive Secretary of the General Executive Council and shall, by virtue of his office, be a delegate to all Conventions of the International Association and shall have a voice and vote in all deliberations and discussions but shall not be entitled to vote in the election of General Officers unless elected as a delegate by secret ballot of the membership of his or her local union.

He shall issue the official call for the General Convention at least ninety (90) days prior to the opening date thereof. He shall keep a correct record of the proceedings of the General Convention and all other meetings of this Association; preserve credentials of delegates for at least one (1) year, preserve all important documents, papers, accounts, letters sent and received by him on business of this Association for a period of at least five (5) years; employ the necessary clerical force to efficiently conduct the affairs of his office; conduct all correspondence pertaining to his office between this Association and its affiliated local unions and councils; keep a correct record and account of the standing of each local union and council and all officers, representatives and members thereof; cause to be published at least once each year a directory showing the names and addresses of local union officers, business managers, and business representatives; receive all applications for charters and issue and sign the same when so authorized by the General President; have charge of the seal of this Association and affix it as required to official documents; receive all communications or appeals intended for or requiring consideration by the General President or General Executive Council; transmit decisions rendered by the General President or General Executive Council to members or local unions involved and file copies of such decisions for the records; assess local unions interest at a uniform rate for per capita dues delinquencies of thirty (30) or more days unless otherwise determined by the General Executive Council; keep a correct record of all members suspended and expelled and of all legal obligations due from such suspended or expelled members; receive all monies paid to this Association and deposit same in accordance with the requirements of Section 6(f) of Article One (1); hold in his or her possession not more than the sum of Three Hundred Dollars (\$300.00) and deposit all sums in excess of that amount within twenty-four hours after receipt of same; and pay all legitimate bills and other obligations authorized in accordance with this Constitution, by official checks drawn against the accounts of this Association over his or her signature as General Secretary-Treasurer and countersigned by the General President or by an electronic disbursement provided that the process is consistent with the requirement of two signatures and requires proper segregation of duties between the two General Officers that can be verified by an audit trail.

All original official receipts surrendered to the General Office in accordance with Section 4 of Article Thirteen (13) will be properly applied to the record of those involved when corrected or declared void as circumstances may warrant and notice of correction or invalidity shall be given to the financial secretary-treasurer by the General Secretary-Treasurer. The General Secretary-Treasurer may issue official receipts, or give permission to local unions to issue official receipts

out of date, to members if deemed appropriate or necessary.

SEC. 1(b). The General Secretary-Treasurer shall require compliance with Section 10 of Article Ten (10) of this Constitution and should any affected local union or the officers thereof fail to return the charter, seal, books, records, funds and other property, as provided therein, within fifteen (15) days after mailing by certified, registered or overnight mail of notice to do so by the General Secretary-Treasurer, he shall take such steps as may be necessary to enforce compliance.

SEC. 1(c). Bonding. The General Secretary-Treasurer shall arrange bonding by a reliable bonding company for such amount as may be necessary to protect this Association against loss of funds directly under his control and subject to his order on banks. The premium on such bond shall be paid by this Association.

In January of each year the General Secretary-Treasurer shall execute a bond in a reliable bonding company to cover the financial secretary-treasurers, business managers, business representatives and other officers of local unions and councils who may be authorized or obligated in the performance of their duties to receive or disburse any funds of such local unions or councils. The amount of the bond in each case shall be determined by the General Secretary-Treasurer, after consideration of the amount of the funds involved, but in no case shall it be less than Five Hundred Dollars (\$500.00). Premiums on bonds for officers, representatives, business managers and business representatives of the local unions or councils shall be charged to the account of and be paid by such local unions or councils.

Notwithstanding any other provision of this Section, all bonds provided for herein shall be in such form and in such amount and placed with such surety company as may be required by applicable law.

SEC. 1(d). Reports. The General Secretary-Treasurer shall submit to the General President, the General Executive Council, local unions and councils, an annual report of revenue, expenses and fund balances, and balance sheet, and shall have available for examination on demand of the General President, the General Executive Council, or its Finance Committee all books, papers and records in connection therewith.

On the opening day of the General Convention, the General Secretary-Treasurer shall submit to the General President, the General Executive Council and the delegates a printed report containing a statement of revenue, expenses and fund balances audited and approved by a certified public accountant. He shall have available at the Convention all necessary documents and records in connection with this report.

SEC. 1(e). The General Secretary-Treasurer shall devote all of his time to the interests of this Association and its affiliated and related entities and organizations and to the performance of his duties as specified in this Constitution.

SEC. 1(f). The General Secretary-Treasurer shall have authority to order an audit of the books and accounts of any local union or council of this Association. Report of such audit shall be

75 made to the General President and the General Executive Council. The books and accounts of any
 76 local union or council shall be at all times open to inspection of auditors appointed and authorized
 77 by the General Secretary-Treasurer under this Section.

ARTICLE SIX (6)

General Executive Council

SECTION 1

1 **SEC. 1(a).** The General Executive Council shall be composed of twelve members, the
 2 General President and eleven (11) General Vice Presidents, and shall meet in regular session at
 3 such time and place as may be designated by the General President. Special meetings of the
 4 General Executive Council may be called by the General President whenever in his opinion such
 5 special meetings are deemed necessary or by a majority of the members of the General Executive
 6 Council. Any General Executive Council or Think Tank meetings shall be held in the confines of
 7 the geographical jurisdiction of this Association.

8 **SEC. 1(b).** The General President shall be the Chairman, and the General Secretary-
 9 Treasurer shall be the Executive Secretary.

SECTION 2--GENERAL DUTIES

11 **SEC. 2.** Between Conventions the general executive, administrative and judicial powers of
 12 this Association shall be vested in the General Executive Council set forth in this Constitution. It
 13 shall consider and decide all appeals and other matters properly presented to it.

14 It shall see that the General Secretary-Treasurer is bonded in accordance with the
 15 provisions of Section 1(c) of Article Five (5); shall have a certified public accountant make an
 16 annual audit of the accounts and inspect the books of the General Secretary-Treasurer; shall
 17 convene at least one week prior to the Convention, and shall perform such other duties as this
 18 Constitution may require.

19 Except as otherwise specified in this Constitution, decisions of the General Executive
 20 Council shall be made by a majority vote of those voting.

SECTION 3 – FINANCE COMMITTEE

22 **SEC. 3(a).** A General Executive Council Finance Committee shall be established
 23 consisting of the first four General Vice Presidents. The General Secretary-Treasurer shall be an
 24 unofficial, nonvoting member of the Finance Committee.

25 **SEC. 3(b).** The First General Vice President shall be the Chairperson. Another member
 26 shall be elected as Secretary.

SEC. 3(c). The Finance Committee shall have general oversight authority with respect to the financial condition of the International Association. It shall also have the authority to examine any and all of the International Association's books of account and other financial records. Any concerns the Finance Committee may have with respect to the financial condition of the International Association may be brought by the Chairperson to the attention of the General Executive Council for review and any action to be taken must be by vote of the General Executive Council.

SEC. 3(d). In connection with its oversight responsibilities, the Finance Committee shall have the authority to call before it the General President; the General Secretary-Treasurer; the Comptroller or any members of the Comptroller's staff; the General Counsel or any member of the General Counsel's staff; any other officer, agent or employee of the International Association; the International Association's outside independent auditors; and any individual (or representative of a firm) whose expenditures are being examined or questioned.

SEC. 3(e). The Finance Committee shall have authority to employ outside independent legal counsel and/or outside independent auditors to assist the members in connection with their oversight duties provided, however, that the terms and tenure of employment of such outside, independent experts or specialists shall be subject to approval by the General Executive Council.

SEC. 3(f). The Finance Committee shall meet quarterly at such times and places as shall be designated by the Chairperson, or more often if additional meetings are requested by a majority of the members.

SEC. 3(g). The Finance Committee shall endeavor to cooperate with and assist the General President and the General Secretary-Treasurer in the performance of their respective constitutional duties. It shall furnish copies of the minutes of its meetings to the General President, the General Secretary-Treasurer, and all other General Vice Presidents as soon as may be practicable after each meeting is concluded.

SECTION 4--PROCEDURE WHEN NOT IN SESSION

SEC. 4. The General Executive Council shall be empowered to transact business by correspondence when it is not in session.

SECTION 5--REPORTS

SEC. 5. It shall be the duty of the General Executive Council to have printed reports prepared and distributed among the delegates on the opening day of the Convention. The reports of the General President and the General Executive Council may be combined.

ARTICLE SEVEN (7)

General Conventions

SECTION 1--TIME AND PLACE

SEC. 1. This Association shall meet in regular quinquennial (5-year) Convention at the time and in the city designated either by the last preceding Convention or by the General Executive Council and the designated Convention city shall not be changed nor shall the Convention be postponed unless holding of the Convention at the designated time or place has become impossible or impracticable as a result of events and/or conditions occurring thereafter, in which event a new Convention city or Convention date or both shall be rescheduled by the General Executive Council as soon as possible. In no event shall such Convention be postponed for more than one year.

SECTION 2--REPRESENTATION AND VOTE

SEC. 2(a). Local Unions. Each local union shall be entitled to one (1) vote for the first fifty (50) good standing members or less and one (1) additional vote for each additional fifty (50) good standing members or majority fraction thereof. Each local union shall be entitled to its full vote and where but one delegate is present, he or she can cast the full vote to which his or her local union is entitled. No delegate shall cast a vote for any local union except the one of which he or she is in good standing.

Credentials of delegates shall be mailed to the General Secretary-Treasurer not later than the fifteenth (15th) day of the month preceding the month in which the Convention is held.

The number of votes to which each local union is entitled shall be based upon its good standing membership on the first day of the second month preceding the month in which the Convention is held.

SEC. 2(b). Except as provided herein, each local union shall be entitled to one (1) delegate for the first one hundred (100) members or less and one (1) delegate for each additional one hundred (100) members or majority fraction thereof, provided, however, that in no event shall a local union be entitled to more than twenty (20) delegates or to more delegates than it pays full transportation costs plus all ordinary living expenses, none of which shall be refunded to the local union. The above requirement for payment of transportation costs and living expenses as a condition for being a delegate shall not apply to paid officials or paid representatives of this International Association.

SEC. 2(c). Councils. Each state, provincial and district council shall be entitled to one (1) vote, except that district councils comprised of only one local union shall not be entitled to delegates and votes from both the local union and the district council. The vote of the council shall be cast only by the delegate regularly elected by his or her council and cannot be cast by delegates from local unions and no council delegate may cast the vote or votes of a local union.

SECTION 3--QUALIFICATIONS AND ELECTION OF DELEGATES

SEC. 3(a). All delegates to General or Special Conventions of this Association shall meet the qualifications prescribed in Section 3 of Article Twelve (12) of this Constitution.

SEC. 3(b). All delegates shall be elected by eligible local unions in the same manner and under the same rules as in elections of local union officers and in accordance with Sections 4, 5, and 6 of Article Twelve (12) of this Constitution except that nomination and election of members other than those who are automatic delegates by virtue of their office or position may be elected in the calendar year in which the Convention is held or, at the option of the local union, at the local union's general election in the year closest in time to the year in which the Convention is held.

SEC. 3(c). Delegates from state, provincial and district councils shall be elected in accordance with their constitutions and by-laws unless otherwise provided in this Constitution.

SEC. 3(d). (1) Any delegate from a local union in order to be entitled to vote for officers at the General Convention must have been elected by a secret ballot of the membership of such local union. (2) Any delegate from a state, provincial or district council in order to be entitled to vote for officers at the General Convention must have been elected by a secret ballot of the membership of the constituent units of the said state, provincial or district council. (3) Any Convention delegate who is not elected in accordance with the provisions of subsections (1) or (2) hereof shall not be entitled to vote for officers at the General Convention.

SEC. 3(e). The General President Emeritus by virtue of his position shall be an automatic delegate to each General or Special Convention with a voice and vote in all deliberations and discussions but shall not be entitled to vote in the election of General Officers.

SEC. 3(f). Unless otherwise determined by the Convention no local union or council shall be eligible to representation or vote in Convention unless all dues, fees and other obligations due this Association are paid in full in accordance with the provisions of this Constitution.

SECTION 4--COMMITTEE ON CREDENTIALS AND GENERAL SECRETARY-TREASURER'S REPORT

SEC. 4. The General President shall select from the credentials of accredited delegates a Credentials Committee, which shall also act as Committee on General Secretary-Treasurer's Report, and the members thereof shall assemble at the General Office at least six (6) days prior to the opening of the Convention. It shall be the duty of this Committee to examine the records and accounts of the General Secretary-Treasurer and audit report submitted by the certified public accountant. It shall examine all duplicate credentials received at the General Office and shall determine from the records at the General Office the standing of the chartered and affiliated local unions and councils and the elected delegates thereof. It shall receive all original credentials presented by delegates and be ready to submit its report at the opening of the Convention.

SECTION 5--DELEGATE CREDENTIALS

SEC. 5. Each elected delegate shall establish his or her identity and right to a seat in Convention by presenting to the Credentials Committee the original form of official credential signed by the president and the recording secretary of the local union or council from which he or she is a delegate. Said credential shall bear the official seal of the local union or council. Each delegate shall also present an official dues receipt, properly issued in accordance with this Constitution, showing actual payment of all dues and obligations to his or her local union for a period extending, at least, to the end of the month in which the Convention is held.

None but duly accredited delegates shall be admitted to sessions of the Convention except by majority vote of the Convention.

**SECTION 6--CONSTITUTION COMMITTEE:
APPOINTMENT AND GENERAL DUTIES**

SEC. 6. The General President shall select, from the credentials of accredited delegates, a Constitution Committee, the members of which shall assemble at the designated Convention city at least six (6) days prior to the opening of the Convention. It shall be the duty of said Constitution Committee to consider all recommendations and proposed amendments to the Constitution properly submitted by General Officers, local unions, councils and delegates and to hold hearings and report their recommendations to the Convention for consideration and action. The Constitution Committee shall also have authority to initiate and recommend new legislation including amendments to this Constitution and submit the same to the Convention for consideration and action.

SECTION 7--COMMITTEES GENERAL

SEC. 7. Not later than the opening day of the Convention the General President shall appoint the following other committees:

General President's and	Union Label
General Executive Council's Reports	Compensation
Rules	Apprentice
Grievance and Appeals	Special
Political Action	Production
Resolutions	Roofing

The committees provided for in this Section shall consist of not less than five (5) delegates each.

SECTION 8--COMMITTEE COMPENSATION

SEC. 8. Each member of the committees provided for in this Article shall be paid Three Hundred Twenty-Five Dollars (\$325.00) plus a sum equivalent to the negotiated rate and tax for

the Committee member's room at the Convention hotel per day, as compensation for each day spent on committee business prior to, during or after the Convention and for each day of attendance while the committee is in session, including days en route to and from such Convention. Wardens and escorts shall receive committee compensation in accordance with this Section.

The Committee on Credentials and General Secretary-Treasurer's Report and the Constitution Committee if called into session at the General Offices before the Convention shall receive Two Hundred and Fifty Dollars (\$250.00) compensation per day and Eighty-Five Dollars (\$85.00) per day for expenses including days traveling to and from their homes to the General Office, in addition to the cost of lodging and air fare.

SECTION 9--QUORUM

SEC. 9. A quorum for the transaction of business shall be a majority of the delegates attending the Convention.

SECTION 10--ORDER OF BUSINESS

SEC. 10. The following order of business shall govern the Convention proceedings:

1. Call to order;
2. Receive credentials;
3. Reports of Committees on Credentials and Rules;
4. Roll call;
5. Selection of special committees;
6. Reports of Officers;
7. Resolutions, memorials and petitions;
8. Communications and bills;
9. Reports of committees;
10. Election of Officers;
11. Obligation of Officers;
12. Grievances and appeals;
13. Unfinished business;
14. New business;
15. Reports of delegates;
16. Adjournment.

SECTION 11--DELEGATE COMPENSATION

SEC. 11. Each local union, state, provincial and district council shall pay its delegates full transportation costs plus ordinary living expenses, none of which shall be refunded to the local union. Each delegate not assigned to a committee shall receive Twelve Hundred Dollars (\$1,200.00) as compensation for attending the Convention. Delegates appointed as Conductors, in addition to delegate compensation, shall receive Three Hundred Twenty-Five (\$325.00) for each day of service. All compensation herein shall be paid by the International Association and shall

continue thereafter until changed by action of a subsequent Convention. This Section shall not apply to paid officials or paid representatives of this Association.

SECTION 12--ATTENDANCE OF GENERAL OFFICERS

SEC. 12. The General Officers shall be required to attend all Conventions, general or special, of this Association, and their salaries and expenses shall be paid from the funds of the Association at the established rate.

SECTION 13--CONVENTION GUESTS

SEC. 13. The General President with the approval of the General Executive Council shall have the authority to invite and compensate such Convention guests as he may deem proper.

SECTION 14--SPECIAL CONVENTIONS

SEC. 14. The General President with the approval of the General Executive Council may call a Special Convention of the Association for the purpose of considering special subjects which in his opinion may require Convention action between Regular Conventions. The call for such Special Convention shall be issued by the General Secretary-Treasurer and such call shall specify the time and place thereof and the special subjects to be considered. No subjects other than those designated on the Convention call shall be considered at any Special Convention. The provisions of this Constitution which relate to General Conventions shall govern the procedure of Special Conventions insofar as they may be required to effectuate the business designated in the call for such Special Convention.

SECTION 15--RESOLUTIONS

SEC. 15. Resolutions, other than those to amend the Constitution, may be submitted by any local union or council, the General President, General Secretary-Treasurer, the General Executive Council or by the Resolutions Committee. Resolutions submitted by local unions or councils must be submitted separately by subject matter in resolution form and filed in triplicate with the General Secretary-Treasurer at the General Office at least thirty (30) days prior to the opening of the Convention at which such resolutions are to be considered, unless the requirements of this paragraph are waived by a two-thirds (2/3) vote of the delegates at the Convention. All resolutions proposed by any member of a local union shall be submitted to the local union Executive Board at least thirty (30) days prior to the submission thereof to the local union for consideration. All resolutions passed by local unions or councils must bear the signature of the president and recording secretary and the seal of the local union or council.

SECTION 16

SEC. 16. Resolutions relating to constitutional changes shall be submitted in accordance with Article Thirty-Three (33) of this Constitution.

ARTICLE EIGHT (8)

International Staff

SECTION 1--APPOINTMENT

SEC. 1. The General President shall have the authority to appoint a staff consisting of a sufficient number of International Representatives and International Organizers, a Chief International Representative, a Director of Canadian Affairs, a Director of Railroad and Shipyard Workers, a Director of Organization, a Director of Production Workers, a Director of Education, and such Regional Directors as he may deem advisable to carry on the necessary organizing and related work of this Association and may increase or reduce members of such staff from time to time as circumstances and the requirements of the Association may justify or warrant and remove any members of such staff for cause, all subject to the approval of the General Executive Council.

SECTION 2--QUALIFICATIONS

SEC. 2. Any member in good standing is eligible to appointment to a position on the staff referred to in Section 1 of this Article if he or she has been a member in good standing for at least two (2) consecutive years immediately preceding his or her appointment and is free from delinquencies of any nature to this Association or any local union or council thereof, including all dues and obligations to and for the month in which he or she is appointed, and is, at the time of his or her appointment, either working at the trade or a salaried officer or representative of this Association or a local union or council thereof or a salaried officer or representative of the AFL-CIO or an affiliate or subordinate unit thereof.

SECTION 3--DUTIES

SEC. 3. Members of the staff referred to in this Article shall be assigned by the General President in such manner and in such territory as, in his opinion, will best serve the needs and requirements of this Association. They shall report to the General President or his designated representative at the General Office of the International Association.

They shall perform such services as the General President may require or direct and shall not incur or assume any financial obligation or expense in the name of this Association except by the express direction of and only to the extent authorized by the General President. This Association shall not be responsible or liable for any such financial obligations or expenses unless authorized in the manner provided herein.

SECTION 4--CHIEF INTERNATIONAL REPRESENTATIVE

SEC. 4. The Chief International Representative shall be required to maintain his or her office in the General Office of this Association.

SECTION 5--DIRECTOR OF ORGANIZATION

SEC. 5. The Director of Organization shall be required to maintain his or her office in the General Office of this Association.

SECTION 6--DIRECTOR OF PRODUCTION WORKERS

SEC. 6. The Director of Production Workers shall be required to maintain his or her office in the General Office of this Association.

SECTION 7--COMPENSATION

SEC. 7. Except as otherwise provided in this Section 7, the salary and expenses of the Chief International Representative, Director of Canadian Affairs, Director of Railroad and Shipyard Workers, Director of Organization, Director of Production Workers, Director of Education, Regional Directors, International Representatives and International Organizers and the method of determining same shall be that established by Convention action and shall continue thereafter until changed by action of a subsequent Convention. Notwithstanding the previous sentence, the General President, with the approval of the General Executive Council, shall have the right to raise or lower the compensation and expenses of the above named individuals and the International Staff members depending upon their performance of their duties and responsibilities.

International Representatives and International Organizers shall be paid the average of the thirty (30) highest paid Business Managers in the United States and Canada, salary adjustments to be made on January first of each year, and, whatever percentage increase in salary the International Representatives and International Organizers receive, the same percentage increase shall be granted to all General Officers and International staff personnel.

Should the above formula's implementation be inconsistent with budgetary considerations, it shall be implemented over a time frame as determined by the General President and the Finance Committee and with the approval of the General Executive Council.

ARTICLE NINE (9)

State, Provincial and District Councils

SECTION 1--ORGANIZATION

SEC. 1(a). State or Provincial Councils. A state or provincial council may be formed and chartered in any state in the United States or province in Canada when approved by the General President, provided at least two-thirds (2/3) of the local unions in the particular state or province approve of the formation of such council and join in making application to this Association for a state or provincial council charter.

SEC. 1(b). District Councils. When approved by the General President, a district council, other than a railroad district council, may be formed and chartered by a two-thirds (2/3) majority of the local unions within a specified territory in more than one (1) state or province, provided that no district council, other than a railroad district council, shall be formed or chartered within a state or province where a chartered state or provincial council already exists.

A railroad district council may be established on such railroad or railroads as may be determined by the General President.

SECTION 2--CHARTER APPLICATION

SEC. 2. Application for a state, provincial, or district council charter must be filed with the General Secretary-Treasurer and each application for state, provincial, or district council charter shall bear the signatures of the president and secretary and the seal of each local union which is a party to the application.

SECTION 3--GOVERNMENT

SEC. 3. State, provincial, and district councils shall not adopt any rules, regulations or policies which in any way conflict with the provisions and intent of this Constitution; nor shall any additional rules or regulations, not included in this Constitution, be adopted until they are first submitted to the General Secretary-Treasurer for consideration and official notice of approval received from the General Secretary-Treasurer.

All of the provisions and requirements of this Constitution, governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof, shall apply to all state, provincial and district councils and the officers, representatives, and members of said councils, insofar as they are adaptable.

SECTION 4--PENSIONS

SEC. 4. Pension plan for full-time salaried officers and employees shall be that provided in Article Twelve (12), Section 10.

ARTICLE TEN (10)

Local Unions

SECTION 1—CHARTERS

SEC. 1(a). Except as otherwise provided in this Constitution, twenty-five (25) or more persons located where no chartered local union in the same branch of the trade exists, who qualify for membership in accordance with the provisions of Article Sixteen (16) of this Constitution, may make application for membership and for local union charter.

SEC. 1(b). Upon request, the General Secretary-Treasurer shall furnish official forms of application for each of the twenty-five (25) or more qualified applicants. Upon receipt of the required number of application forms, properly filled out and signed by the applicants, and accompanied by the payment of three (3) months dues plus the International initiation fee per applicant from each applicant, the General Secretary-Treasurer, after approval by the General President, shall issue a charter for the new local union with a designated number and official seal. He shall forward the charter and seal to said local union, together with necessary supplies, a complete set of books with proper entry and credit for the amount paid by each applicant and recorded on official receipts in triplicate in the official receipt book of the new local union.

SEC. 1(c). From the total amount forwarded to the General Secretary-Treasurer by applicants for a charter, he or she shall retain forty-five percent (45%) per applicant of the International initiation fee and the International per capita dues for each applicant for three (3) months in advance. The balance of the money received from applicants shall be refunded to the financial secretary-treasurer of the newly chartered local union and each applicant shall receive an official receipt crediting him or her with his or her initiation fee and per capita dues received by the General Office as herein provided.

SECTION 2--REVENUES, FEES AND DUES

SEC. 2(a). After a local union charter has been issued, each additional applicant for membership therein, shall be required to pay a local initiation fee of Fifteen Dollars (\$15.00) plus dues in advance beginning with the month in which initiation is properly recorded. Said Fifteen Dollars (\$15.00) local initiation fee shall be effective for a period of ninety (90) days from date of issuance of charter and shall include forty-five (45%) International initiation fee.

SEC. 2(b). From the 91st day after the issuance of a charter, each local union shall establish and collect a local initiation fee of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) plus dues in advance beginning in the month in which such initiation is properly recorded. Forty-five percent (45%) of any initiation or reinitiation fee collected by a local union shall constitute the International initiation or reinitiation fee and be paid to the International Association.

At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

SEC. 2(c). Each payment on initiation, reinitiation or reinstatement fee, collected by a local union, including payments by apprentices, shall be recorded on an official triplicate receipt purchased from the General Office in the manner provided in Section 3(b) of Article Sixteen (16) of this Constitution and said official triplicate receipt shall have recorded thereon, in the space provided therefore, the applicable percentage of such payment as described in Section 2(b) of this

Article Ten (10) on initiation, reinitiation or reinstatement fees due this Association. The white duplicate (copy) of such official receipt, together with the money shown thereon to be due this Association, shall be forwarded by the financial secretary-treasurer with his or her monthly report for the month in which such initiation, reinitiation or reinstatement fees or payments thereon were recorded on such official receipts.

The General Secretary-Treasurer, with the approval of the General Executive Council, is authorized to change from time to time the method, procedure, reports, receipts and other forms for the collection, receipt and transmittal of funds by local unions and the duties and obligations of local union officers in connection therewith, notwithstanding any other provisions of this Constitution.

All funds received by this Association as payments on initiation, reinitiation or reinstatement fees shall belong to and remain the property of this Association whether or not the applicant for membership completes payment on his or her full initiation, reinitiation or reinstatement fee.

SEC. 2(d). The provisions of Section 2(c) of this Article shall not apply to payments for reinstatement of suspended members pursuant to the provisions of Article Sixteen (16), Section 12(b).

SEC. 2(e). Notwithstanding any other provision of this Article, the General President is authorized to waive or reduce the amount of local union dues or local or International reinstatement, initiation or reinitiation fee for a specified amount of time for a specified purpose such as in conjunction with a recruitment or organizing drive, or when a local union requests a waiver or reduction in writing, or when peculiar conditions so justify.

SEC. 2(f). Each local union shall establish and maintain a monthly or quarterly rate of dues sufficient to carry on the affairs of such local union on a sound financial basis, having in mind its current and prospective needs and requirements and its obligations due this Association, including monthly per capita dues. The amount of said dues in no case shall be less than those prescribed in this Constitution. The dues of all members of local unions shall be paid monthly or quarterly, but always in advance. A late fee may be charged for dues payments not made in advance of the current month if approved by the local union. A member may not work unless his or her dues are paid up as provided in this Section. Failure to pay dues within two (2) months shall result in automatic suspension from membership. In the event of death, dues paid in advance of the month of death shall be refunded to the legally designated beneficiary of the deceased by the local union which will receive a credit for the per capita dues.

SEC. 2(g).

1. The minimum monthly dues for each member engaged in the building and construction industry in a building and construction trades local union shall be as follows:

(a) In local unions, the membership of which is five hundred (500) or less, the equivalent of

three and one-half (3 ½) hours pay, plus full per capita dues;

(b) In local unions, the membership of which is between five hundred and one (501) to one thousand (1,000) the equivalent of three (3) hours pay, plus full per capita dues;

(c) In local unions, the membership of which exceeds one thousand (1,000) the equivalent of two and one-half (2 ½) hours pay, plus full per capita dues;

(d) In determining the number of members for the foregoing purposes, all members engaged in the building and construction industry of the local union shall be included.

2. The minimum monthly dues for other workers in a building and construction trades local union shall be the equivalent of two and one-half (2 ½) hours pay, plus full per capita dues. The local shall determine how to set the average, but in no case shall the minimum monthly dues be less than Seventeen Dollars (\$17.00) per month.

3. The minimum monthly dues for members of all other local unions shall be the equivalent of two and one-half (2 ½) hours pay plus full per capita dues. The local shall determine how to set the average, but in no case shall the minimum dues be less than Seventeen Dollars (\$17.00) per month.

4. (a) For building trades members, the term "hours pay" as used herein shall mean the wage/fringe package, but shall not include zone rates, special project rates, or similar increments over the basic rate.

(b) For production worker members, the term "hours pay" as used herein shall mean the basic taxable hourly contract rates, including all lump sum payments made by an employer in lieu of increases in employees' basic hourly rate, but shall not include fringe benefits, zone rates, special project rates, incentive rates or similar increments over the basic rate.

5. The number of members of each local union on which the minimum rate of dues will be based shall be the average number of members of each local union during the previous calendar year.

6. In applying the formula in this Section, incremental increases which may result from adjustments in the hourly rates of pay shall be due on January 1 of the year following such adjustments.

7. In determining the rate of monthly dues payable, the amount shall be rounded out to the nearest twenty-five cents (\$.25).

8. Notwithstanding any other provisions of this Section, (a) retired members who are not limited members shall pay dues at the rate their local union may establish but in no event less than Sixteen Dollars (\$16.00), or greater than Twenty-Two Dollars (\$22.00) per month which includes full per capita dues and (b) disabled members shall pay dues at the rate their local union may establish for such status but in no event less than Sixteen Dollars (\$16.00), per month which includes full per capita dues. The appropriate per capita dues for retired and disabled members shall be that established for production worker members.

9. In the event a local union can demonstrate to the General Executive Council that it has and can maintain financial reserves sufficient to meet normal operating expenses for a six month period and, further, that the local union has by secret ballot vote authorized the local union to seek such relief, the General Executive Council may approve a reduction in the rate of minimum dues to such local union in an amount deemed appropriate, provided, however, that the rate of dues for an active member shall not be lower than the rate set forth in Paragraph 3 of this Section.

SEC. 2(h). The monthly per capita dues shall be increased in the following manner:

The monthly per capita dues shall be as follows:

January 1, 2010

Building Trades Members	\$26.00 + \$.08 an hour
Residential & Industrial Workers	\$18.00 + \$.08 an hour
(who earn 75% or less of the journeymen wage package)	
Shinglers	\$19.00 + .15% gross wage
Classified Workers (SFUA)	\$15.00 + \$.08 an hour
Apprentice Members	\$13.00 + \$.08 an hour
Pre-apprentice Members	\$10.00 + \$.08 an hour
Railroad Workers	\$27.00
Production Workers	\$15.00
Shipyard Workers	\$15.00
Government Workers	\$15.00
Retired & Disabled Members	\$15.00

January 1, 2011

The monthly per capita working dues shall increase \$.03 an hour.

Building Trades Members	\$26.00 + \$.11 an hour
Residential & Industrial Workers	\$18.00 + \$.11 an hour
(who earn 75% or less of the journeymen wage package)	
Shinglers	\$19.00 + .15% gross wage
Classified Workers (SFUA)	\$15.00 + \$.11 an hour
Apprentice Members	\$13.00 + \$.11 an hour
Pre-apprentice Members	\$10.00 + \$.11 an hour
Railroad Workers	\$28.00
Production Workers	\$15.00
Shipyard Workers	\$15.00
Government Workers	\$15.00
Retired & Disabled Members	\$15.00

January 1, 2012

The monthly per capita working dues shall increase \$.01 an hour unless cancelled by the General Executive Council.

Building Trades Members	\$26.00 + \$.12 an hour
Residential & Industrial Workers	\$18.00 + \$.12 an hour

158	(who earn 75% or less of the journeymen wage package)	
159	Shinglers	\$19.00 + .15% gross wage
160	Classified Workers (SFUA)	\$15.00 + \$.12 an hour
161	Apprentice Members	\$13.00 + \$.12 an hour
162	Pre-apprentice Members	\$10.00 + \$.12 an hour
163	Railroad Workers	\$29.00
164	Production Workers	\$15.00
165	Shipyard Workers	\$15.00
166	Government Workers	\$15.00
167	Retired & Disabled Members	\$15.00

168 January 1, 2013

169 The monthly per capita working dues shall increase \$.01 an hour unless cancelled by the General Executive
 170 Council. If the \$.01 an hour increase was not cancelled in 2012, the per capita dues shall be as follows:

171	Building Trades Members	\$26.00 + \$.13 an hour
172	Residential & Industrial Workers	\$18.00 + \$.13 an hour
173	(who earn 75% or less of the journeymen wage package)	
174	Shinglers	\$19.00 + .15% gross wage
175	Classified Workers (SFUA)	\$15.00 + \$.13 an hour
176	Apprentice Members	\$13.00 + \$.13 an hour
177	Pre-apprentice Members	\$10.00 + \$.13 an hour
178	Railroad Workers	\$30.00
179	Production Workers	\$15.00
180	Shipyard Workers	\$15.00
181	Government Workers	\$15.00
182	Retired & Disabled Members	\$15.00

183 January 1, 2014

184 The monthly per capita working dues shall increase \$.01 an hour unless cancelled by the General Executive
 185 Council. If the \$.01 an hour increase was not cancelled in 2012 and 2013, the per capita dues shall be as
 186 follows:

187	Building Trades Members	\$26.00 + \$.14 an hour
188	Residential & Industrial Workers	\$18.00 + \$.14 an hour
189	(who earn 75% or less of the journeymen wage package)	
190	Shinglers	\$19.00 + .15% gross wage
191	Classified Workers (SFUA)	\$15.00 + \$.14 an hour
192	Apprentice Members	\$13.00 + \$.14 an hour
193	Pre-apprentice Members	\$10.00 + \$.14 an hour
194	Railroad Workers	\$30.00
195	Production Workers	\$15.00
196	Shipyard Workers	\$15.00
197	Government Workers	\$15.00
198	Retired & Disabled Members	\$15.00

199 Notwithstanding any other language herein, the General President, with the approval of the

General Executive Council, may reduce the per capita dues for members in certain and specific work classifications of the entire industry, provided that such action is deemed advisable or necessary in the best interests of this Association and the members thereof.

SEC. 2(i). Local union dues and initiation fees may be increased by local unions only by a majority vote of good standing members voting by secret ballot at a regular or special meeting after reasonable notice to the membership of intention to vote on such question, provided however, that when the International per capita dues is increased by action of the delegates at an International Convention, the then prevailing rate of dues of each local union shall be automatically increased in like amount on the effective date of the per capita dues increase plus such additional amount, if any, as may be required to maintain the minimum rate of dues established by this Constitution.

SECTION 3--ASSESSMENTS

SEC. 3(a). No local assessments shall be levied or collected by any local union until all members have been notified by written or printed notice of the proposed assessment and the purpose thereof, with a specified date, time and place of regular or special meeting to consider, discuss and vote on said proposed assessment. It shall require a majority vote by secret ballot of all members present to authorize the adoption of the proposed assessment. No such assessment shall be proposed, adopted, levied or collected from any member except to provide funds for the recognized and necessary operating and organizing expense of the local union and dues, fees and other obligations due this Association. Notice of the approval of any local assessment shall be given to the General Secretary-Treasurer forthwith and all payments thereof by local union members shall be recorded on official receipts.

SEC. 3(b). No dues shall be accepted from and no official receipt issued to any member, following the date or dates any proper International or local union assessments become due from such member, until such assessments are paid.

SECTION 4--GOVERNMENT

SEC. 4. Each local union, its officers, representatives and members shall recognize, observe and be bound by the provisions and requirements of this Constitution, by any amendments thereto, and by all decisions, orders and interpretations properly rendered and the policies established by the General Officers of this Association.

SECTION 5--LOCAL RULES, REGULATIONS AND POLICIES

SEC. 5. Local unions shall not adopt any local rules, regulations, or policies which in any way conflict with the provisions of this Constitution.

The provisions of this Constitution relating to local unions and the members thereof shall constitute the by-laws of those local unions which do not adopt by-laws of their own. Local union by-laws shall be filed with the General Secretary-Treasurer and no provisions thereof which are

objected to by him as being inconsistent with this Constitution, the policies of this Association or the requirements of law shall be made effective or continued in effect. Any finding made by the General Secretary-Treasurer that a provision of the by-laws of the local union is objectionable may be appealed as provided in Article Nineteen (19).

SECTION 6--MEETINGS

SEC. 6(a). Each local union shall determine the times and places for the holding of its regular meetings, which must be held at least quarterly, and determine how many of its members shall constitute a quorum. Special meetings shall be called by the local union president upon the request of two-thirds (2/3) of the members of the local union Executive Board or upon the request of at least ten (10) members in good standing or twenty percent (20%) of the members in good standing, whichever is greater. The call for such special meeting shall specify the time, place and purposes thereof, and no subjects other than those specified in the call shall be considered at such meeting.

A special order of business may be placed on the agenda by the local union president or business manager or by motion adopted by a two-thirds (2/3) vote at a previous regular meeting. The membership shall be notified of the subject of the special order of business which shall be brought to the floor at the next regular meeting.

SEC. 6(b). Order of Business. The following order of business shall govern proceedings of local unions:

1. Call the meeting to order;
2. Warden, take charge of the door;
3. Conductor, examine dues receipts;
4. Roll call of officers;
5. Roll call of members;
6. Reading of minutes;
7. Installation of officers when applicable;
8. Applications for membership;
9. Initiations;
10. Communications and bills;
11. Reading of receipts from General Office;
12. Financial secretary-treasurer's report;
13. Special orders of business when applicable;
14. Reports of the business manager, business representatives, organizers, other officers and shop stewards;
15. Reports of delegates and committees;
16. Unfinished business;
17. Trade instruction;
18. New business for good of the Union;
19. Good and welfare;
20. Adjournment

276 **SEC. 6(c).** Except for live video conferencing of membership or other official local union
 277 meetings to satellite locations, no mechanical recording by any means of the proceedings at any
 278 official meetings of the local union shall be permitted by any member at any time. A member
 279 responsible for so recording such union meetings will be subject to charges.

280 **SECTION 7--MERGER OR SEPARATION**

281 **SEC. 7.** No local union or unions shall amalgamate or merge with any other local union or
 282 unions nor shall any local union separate its membership into two or more local unions, except by
 283 express authorization from the General President pursuant to the authority granted to him by
 284 Article Three (3), Section 2(g), of this Constitution.

285 **SECTION 8--VOLUNTARY DISSOLUTION**

286 **SEC. 8(a).** No local union shall be dissolved or withdrawn from this Association so long
 287 as fifteen (15) or more members of such local union, in good standing, vote to retain the local
 288 union charter.

289 **SEC. 8(b).** Before the members of a local union may be permitted or required to vote on
 290 the question of dissolving or surrendering its charter, three (3) months notice, in writing, shall be
 291 given to the General Secretary-Treasurer, which notice shall be accompanied by the names and
 292 addresses of all members of such local union in good standing.

293 **SEC. 8(c).** No vote shall be taken on the question of dissolution or voluntary surrender of
 294 a charter of a local union except at a meeting specially called for that purpose after thirty (30) days
 295 notice, in writing, to every member of such local union, designating the time and place of such
 296 meeting and the purposes for which it is called.

297 **SEC. 8(d).** If, at a meeting properly called in accordance with the provisions of this
 298 Section, less than fifteen (15) members vote to retain the charter of the local union, the officers of
 299 such local union shall immediately notify the General Secretary-Treasurer of such action, furnish
 300 him with a record of the votes cast and comply with the provisions of Section 10 of this Article.

301 **SEC. 8(e).** In the event of a voluntary dissolution all eligible members shall maintain their
 302 good standing by becoming members of the local union to which the jurisdiction of their former
 303 local union was assigned.

304 **SECTION 9--AUTOMATIC SUSPENSION AND FORFEITURE OF CHARTER**

305 **SEC. 9(a).** Whenever a local union fails to hold regular meetings for a period of three (3)
 306 consecutive months, or whenever the officers thereof refuse, fail, or neglect to forward monthly
 307 reports and duplicate (copies) of official receipts with dues and fees due this Association for a
 308 period of three (3) consecutive months, the charter of said local union may be suspended or
 309 forfeited by the General Executive Council; and the officers, representatives, and members of said
 310 suspended local union shall comply with all requirements of Section 10 of this Article.

SEC. 9(b). Whenever the records at the General Office, determined by duplicates (copies) of official receipts filed by a local union, show that there are less than fifteen (15) members in good standing, the charter of said local union shall be declared suspended and forfeited; and the officers, representatives, and members of said suspended local union shall comply with all requirements of Section 10 of this Article. In the event of the forfeiture of a local union charter as provided in this Section, all eligible members shall maintain their good standing by becoming members of the local union to which the jurisdiction of their former local union was assigned.

SECTION 10--SURRENDER OF PROPERTY

SEC. 10. In case of the suspension, revocation of charter, voluntary dissolution, lapsing or disbanding of any local union for any cause or reason whatsoever or withdrawal from this Association, it shall be the duty of the officers of such local union to immediately send the charter, seal, books, records, papers, funds, and all other property of said local union to the office of the General Secretary-Treasurer, together with a proper accounting of all the financial and other affairs of such local union. Any distribution or attempted distribution of the funds, property or assets of a local union, in anticipation of withdrawal from this Association, suspension, revocation of charter, voluntary dissolution, lapsing or disbanding of any local union, to the members thereof or to anyone other than the General Secretary-Treasurer shall be contrary to this Constitution and exceed the authority of any officer or officers of such local union and the members thereof.

The General Secretary-Treasurer shall hold the charter, seal, books, records, papers, funds and other property sent to him in accordance with this Section for a period to be determined by the General Executive Council which in no instance, except as provided in the next succeeding paragraph, shall be less than one (1) year, or pending any appeal which may have been taken in accordance with this Constitution from any suspension, revocation of charter, voluntary dissolution, lapsing or disbanding of such local union, whichever time is the greater.

If within any period provided for in the preceding paragraph of this Section (a) as a result of appeal, the said local union is re-established; (b) a new local union is established to take over the jurisdiction of said local union; or (c) the jurisdiction and membership of said local union is transferred to another local union; the General Secretary-Treasurer shall forthwith surrender the funds and property then in his or her hands to such local union. In the event the funds and property are not surrendered to a local union by the General Secretary-Treasurer as provided in this Section, they shall become the property of this Association.

SECTION 11--REPORTS

SEC. 11(a). A report of all receipts, disbursements and balance on hand, determined by examination and proper audit of the books and records of the financial secretary-treasurer, properly signed and certified to by the trustees, shall be prepared and forwarded to the General Secretary-Treasurer not later than ninety (90) days after the close of each quarter ending March 31, June 30, September 30 and December 31 of each year. If a quarterly certified audit of the books and records of the local union is made, the forwarding of same by the trustees to the General Secretary-Treasurer shall constitute compliance with this Section.

At the close of the fiscal year, the trustees shall have all financial books and records for that year audited by an independent certified public accountant, or chartered accountant in Canada, who shall submit a copy of the audit to the local union and a copy to the General Secretary-Treasurer not later than ninety (90) days after the close of the fiscal year. The General Secretary-Treasurer may waive or modify this requirement for good cause with respect to local unions with less than 300 members. The trustees once a year shall physically verify or confirm directly with the custodian or broker the existence of all securities deposited in the name of the local union or in the street name with any securities firm.

SEC. 11(b). Each local union shall file with the General Secretary-Treasurer a record of the established local initiation, reinitiation, and reinstatement fees and the established local union monthly dues and wage scale, and notice of all changes thereto shall be sent to the General Secretary-Treasurer within sixty (60) days of the effective date of such changes.

SECTION 12--OFFICIAL SUPPLIES

SEC. 12. All Constitutions and Rituals, official receipts, application and report forms, cards, books and all other supplies necessary to the proper conduct and operation of local unions shall be purchased from the General Office and shall be forwarded to local unions in good standing on receipt of orders from the duly authorized officers of said local union at list price; money order, check or bank draft for the amount due to accompany each order. Copies of the Constitution, as amended, shall be forwarded, free of charge, to local unions in good-standing for distribution to their members in good standing on a one time basis subsequent to the conclusion of each General Convention. Twenty-five (25), 40, 50 and 60 year pins shall be furnished to local unions free of charge. A special presentation shall be provided to honor 70-year members.

SECTION 13--LOCAL UNION FUNDS

SEC. 13. Local union funds shall be derived from sources specified in this Constitution and shall not be appropriated, loaned, donated, or disbursed for any purpose except the recognized and necessary operating and organizing expenses, including capital transactions, of the local union and dues, fees, and other obligations due this Association except as provided in Section 2(g) of Article Three (3) and Sections 2(b) and 2(c) of Article Ten (10) and no monies received from members for the payment of International per capita dues shall be diverted to any use or purpose other than the payment of per capita dues to the International Association.

The money and property of a local union shall be used solely for the benefit of the local union and only for such purposes as are permitted or required by this Constitution. The officers, agents, representatives and employees of local unions who handle its funds and property shall be held to the standard of conduct prescribed for General Officers, agents and employees, in Article One (1), Section 6, of this Constitution and accountable for any breach thereof under this Constitution. The officers of each local union shall manage, invest, and expend its funds in accordance with the applicable provisions of this Constitution, and any action taken by the membership of the local union not inconsistent with this Constitution or the approved by-laws of the local union.

389

SECTION 14--DISBURSEMENTS

390 **SEC. 14.** Except for per capita dues, fees and obligations due this Association, no bills or
391 obligations shall be paid from the funds of local unions except by vote of the membership and on
392 checks with at least two signatures, that of the financial secretary-treasurer and the other of the
393 president or another officer duly authorized by the local union except a trustee, provided, however,
394 that initial approval of commitments for salaries, rent, telephones and similar recurring
395 expenditures required in the normal and regular operation of the union shall be sufficient
396 compliance with this Section, but such expenditures shall be itemized in the report of the financial
397 secretary-treasurer and read at the meeting. In lieu of issuing checks, the local union may make
398 electronic disbursements provided that the process is consistent with the requirement of two
399 signatures and requires proper segregation of duties between the financial secretary-treasurer and
400 the president or other duly authorized officer which can and shall be verified by an audit trail.

401

SECTION 15--COMMITTEES

402 **SEC. 15.** All local union committees shall perform the duties assigned to them within the
403 time specified. No person shall be exempt from serving on a committee unless he or she is a
404 member of some other committee. Committees holding monies, securities, or certificates of value,
405 which are the property of the local union, shall at the first opportunity and not later than the next
406 regular meeting deliver same to the financial secretary-treasurer with a complete itemized
407 statement and record of all vouchers; and in no case shall any committee or any members thereof
408 be discharged or relieved from responsibility or liability to the local union until all of said
409 requirements have been complied with. The committee shall receive reimbursement for expenses
410 or lost time if such arrangements were originally approved by the local union when the committee
411 was appointed.

412

SECTION 16--APPEALS FOR AID

413 **SEC. 16.** There shall be established, maintained, and promoted by the International
414 Association a fund to be known as the SMWIA Disaster Relief Fund for the purpose of providing
415 financial assistance to SMWIA members who incur extraordinary losses due to disasters. This
416 Fund will be dependent on voluntary contributions received from members, local unions and
417 councils, and, when warranted, grants from the General Fund as determined by the General
418 Executive Council. The Disaster Relief Committee, composed of the General President, General
419 Secretary-Treasurer and First Vice President, will review applications from local unions for
420 disaster relief and decide whether and how much financial relief should be approved.

421 No appeal for aid from any local union of this Association shall be recognized by any other
422 local union unless it has been approved by the General President and General Executive Council
423 and all local unions responding to such an appeal must notify the General Secretary-Treasurer,
424 stating amount of donation. Like action must be taken by the local union receiving said donation.

SECTION 17 – GENERAL OBLIGATIONS

SEC. 17. Each local union with building trades members shall affiliate with building trades councils, and all local unions shall affiliate with AFL-CIO state federations, unless exempted by the General President. Each local union may maintain labor bureaus and encourage trade education; join bona fide central labor unions and trade assemblies, where such exist; maintain contact and proper relations with other trade unions and do all in its power to strengthen and promote the interests of the bona fide labor movement.

All local unions of this Association shall maintain an organizing program. It shall be funded pursuant to Article Twenty-Four (24) of this Constitution.

All local unions of this Association shall affiliate with bona fide state, district and provincial councils chartered by this Association.

Each local union having Taft-Hartley trust funds are encouraged to join the National Coordinating Committee of Multiemployer Plans (NCCMP) in order to support the advocacy and protection of multiemployer plans and their participants.

ARTICLE ELEVEN (11)

Local Union or Council Benefit Plans

SECTION 1--RESPONSIBILITY

SEC. 1. Whenever a local union or council establishes and operates any local, district or state plan to provide sick, out of work, or death benefits or any other form of benefit or relief for the members thereof, said local unions and councils assume full responsibility for the operation and likewise full liability for the payment of all financial obligations in accordance with the established rules and regulations governing said local benefit or relief plan and likewise in accordance with the laws of the respective states or territories. This Association shall not be in any way financially or otherwise connected, involved, responsible or liable for the payment of any claims or judgments filed or rendered against any local union or council in connection with said local sick, out of work, or death benefit or other local benefit or relief plans.

Local union funds derived from sources specified in this Constitution shall not be appropriated, loaned or donated to support, or otherwise finance, any of the benefit or relief plans referred to in this Article, or to otherwise provide relief or to maintain the good standing of members. Participation in the above-mentioned local, district or state plans shall be purely optional and no member shall be required as a condition of membership to participate in said plans or to contribute to the support and maintenance thereof.

This Section shall not apply to health, welfare or pension plans negotiated through the process of collective bargaining.

ARTICLE TWELVE (12)

Local Union Officers, Business Managers, and Business Representatives

SECTION 1--NUMBER OF OFFICERS AND TITLES

SEC 1. The officers of each local union shall be a president, vice president, recording secretary, financial secretary-treasurer, conductor, warden, the members of the local union Executive Board and at least three (3) trustees. Except as provided in Section 3 of this Article, any offices and positions, the duties of which are not inconsistent, may be combined, or offices and positions previously combined may be separated by action of the local union at a special called meeting or as a special order of business at a regular meeting held not less than sixty (60) days prior to the next regular election.

SECTION 1(a)--FINANCIAL SUPPORT FOR CAMPAIGN

SEC. 1(a). No candidate, including a prospective candidate for any position set forth in Article Twelve (12), Sections 1 or 2, and supporter of a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual's own volunteered personal time, from any non-member, owner-member, or associate or honorary member.

SECTION 2--NUMBER OF BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

SEC. 2. Each local union shall have one (1) business manager and may have additional business representatives all of whom shall be elected by the local union at the same time and in the same manner and for the same term as local union officers, provided that if, during the regular term of office of local union officers, a local union shall approve the election of additional business representatives they shall be elected during such term to serve until the next regular election of officers, business manager and business representatives.

SECTION 3--QUALIFICATIONS

SEC. 3. Under no circumstances shall the offices of president and financial secretary-treasurer be combined, nor shall the president, vice president, financial secretary-treasurer or recording secretary be eligible or permitted to act or serve as trustee of the local union, nor may the business manager or business representatives or trustees be eligible or permitted to act or serve as members of the Executive Board except where the offices of the business manager or business representative have been combined with those of president, vice president or recording secretary, in accordance with this Section.

No member shall be nominated for or elected to two (2) local union offices or positions at the same time unless prior to said nomination such offices had been combined by action of the local union. No member shall be eligible to nomination, election, or appointment, nor shall he or she be permitted to continue to serve as an officer, business manager, business representative,

33 delegate, trustee or other representative of any affiliated local union unless (a) he or she is paying
 34 the rate that keeps him or her a member in good standing in such local union, (b) such dues and
 35 other obligations due the local union and this Association must be paid before the first day of the
 36 current month and are properly recorded on official receipts in his or her possession, and (c) he or
 37 she has established a record of continuous good standing in the local union in which he or she is a
 38 candidate for a period of not less than two (2) consecutive years, which may include years as an
 39 apprentice-member but no longer serving an apprenticeship, immediately preceding his or her
 40 nomination, appointment or election, except where a new local union has not been in existence, or
 41 where no one willing to accept nomination or appointment to a particular office or position has a
 42 record of continuous good standing, for such period, in which cases a shorter period for eligibility
 43 may be prescribed with the prior approval of the General President; nor shall he or she be eligible
 44 for nomination, election or appointment or permitted to continue to serve if he or she is retired on
 45 pension under the provisions of the Social Security Act or Railroad Retirement Act or on a pension
 46 from this Association or any local union or council thereof or from any pension plan negotiated
 47 with employers unless said retiree has returned to active service and has worked at the trade for
 48 not less than one (1) year immediately prior to date of nomination. A new local union as used in
 49 this paragraph shall not include a new local union resulting from a merger, amalgamation or
 50 separation of other local unions which have been in existence for two (2) years or more.

51 The foregoing qualifications shall be required of members of local unions which have
 52 resulted from amalgamation, merger or separation of local unions except that if good standing has
 53 been continuous or unbroken then good standing membership in all local unions involved in the
 54 amalgamation, merger or separation shall be counted; however, the local union good standing of
 55 members who transfer from one local union to another after the amalgamation, merger or
 56 separation has been completed, or following transfer time limits prescribed in connection with the
 57 amalgamation, merger or separation, shall commence with the date of transfer.

58 **SECTION 4--NOMINATION**

59 **SEC. 4.** Unless otherwise authorized by the General President all nominations for local
 60 union officers, business manager and business representatives shall be made at a regular or special
 61 meeting held early in the month of June and all nominations shall be closed at said regular or
 62 special meeting. The president or presiding officer shall appoint a judge and at least two (2) tellers
 63 to conduct an election with respect to such officers. Such election shall be conducted only by such
 64 duly appointed judge and tellers. No member may be nominated for or elected to more than one
 65 (1) office or position in any local union.

66 Any member who is nominated for local union office and who is not present at the meeting
 67 at which nominations are made shall be dropped from the list of nominees unless within five (5)
 68 days after such nomination he or she notifies the recording secretary in writing of his or her
 69 willingness to run for such office.

70 **SECTION 5--NOTICE**

71 **SEC. 5.** Only good standing members are eligible to participate and vote and all good

standing members of affiliated local unions shall be notified in advance, by written notice, or by notice printed in a publication customarily mailed to all members regarding the date, time, place and purpose of meeting for nomination and also regarding the dates, times and places of elections. Notice of election shall be mailed to the last known home address of each member not less than fifteen (15) days prior to such election.

SECTION 6--ELECTIONS

SEC. 6(a). Elections may be held under such rules as are not inconsistent with this Constitution and at such times and places following the nominations as the local union may decide, provided (a) that the selection of the times and places shall afford the membership a reasonable opportunity to vote, including the notice provided for in Section 5 of this Article, (b) that the election shall be held in the month of June, (c) that officers, business manager and business representatives shall be elected from duly nominated candidates and not by "write-in ballots," and (d) that absentee ballots shall not be used or accepted.

Elections shall be conducted by secret ballot except in those instances where there is only one (1) nominee for the office. The nominee receiving the highest number of votes for each office shall be declared elected.

For extraordinary elections, a mail ballot election may be conducted if a) the membership approves use of a mail ballot by a two-thirds vote at a special meeting, and b) the General President approves use of the mail ballot. Procedures shall be used to ensure the secret ballot.

SEC. 6(b). A "secret ballot" vote shall mean the expression by ballot, voting machine or otherwise, of a choice by the member cast in such manner that such member cannot be identified with his or her vote. All election records, including ballots, shall be preserved for one (1) year by an officer designated by the local union or by the recording secretary if no other officer is designated.

SEC. 6(c). Tellers & Judge. The tellers and judge shall make arrangements for and conduct the election at the times and places specified by the local union in accordance with this Constitution; examine and count all tallies from voting machines and legal ballots cast; prepare a written report of all tallies and ballots cast for each candidate and the number of void ballots; sign said report in the presence of each other and submit the same to the recording secretary.

Whenever the local union shall provide for the casting of ballots at times and places other than at a meeting of the local union, all tallies and ballots received by the judge and tellers shall be sealed and shall be counted officially at one time and place to be fixed by the local union for the count of all ballots cast in the local union elections.

The tellers and judge shall submit their report at the first meeting of the local union following the election.

Each candidate for office shall be entitled, upon request, to appoint one good standing

member, but not himself or another candidate, as an observer at each polling site who shall be permitted to witness the manner of distribution, casting and tabulation of ballots.

SEC. 6(d). Report to General Secretary-Treasurer. After the report of the tellers and judge has been submitted to the local union the recording secretary shall immediately file with the General Secretary-Treasurer the names and addresses of the newly elected officers, business manager and business representatives and thereafter notice of any change in same. Such report shall contain the number of the dues receipts of each elected officer showing payment to and for the month(s) in which nominations and election occurred and a complete tally sheet showing the exact vote for each office.

SEC. 6(e). Contesting Elections. Complaints as to the violation of this Constitution or applicable law in the conduct of a local union election shall be filed with the General President within seven (7) days from the date of the election report of the recording secretary, provided, however, that any member having knowledge of an alleged irregularity in an election during the time it is being conducted who fails to notify the judge of election of same immediately upon acquiring such knowledge shall not be entitled to an appeal to the General President upon such irregularity. The decision of the General President shall be final and not subject to further appeal.

SECTION 7 – TERM OF OFFICE

SEC. 7. Local union officers, business manager and business representatives shall be installed at the first regular meeting in the month of July following their election. All local union officers, business manager and business representatives shall be elected to serve a term of three (3) years. Whenever there is a change in the business manager or the financial secretary-treasurer, the local union shall have the financial books and records audited by an independent certified public accountant, or chartered accountant in Canada, from the beginning of the fiscal year until the date the new business manager or financial secretary-treasurer is installed. The General Secretary-Treasurer may waive or modify this requirement for good cause.

SECTION 8--VACANCIES

SEC. 8(a). When a permanent vacancy occurs in any office or position the local union shall promptly fill the same for the unexpired term by nomination at a regular or special meeting and by election held in the same manner and under the same rules as those governing regular elections, provided that if a vacancy occurs within the twelve (12) month period prior to the next regular election such office may be filled by appointment by the local union Executive Board.

No incumbent of an office or position in a local union shall be eligible for nomination, election or appointment to fill a permanent vacancy in accordance with the provisions of this Section 8(a) unless prior thereto he or she resigns irrevocably in writing from the office or position of which he or she is the incumbent effective no later than the date that the newly elected or appointed officer(s) takes office.

SEC. 8(b). When a temporary vacancy occurs, the local union shall fill such office or

position pro tem by election or appointment by the local union Executive Board as the local union may decide. The term of such pro tem officer shall continue until the resumption of office by the officer who vacated it or until the next regular election, whichever occurs first.

In the event a pro tem officer is elected or appointed while he or she is an incumbent of another local union office or position, he or she shall be entitled to resume his or her former office or position if he or she is displaced from the pro tem office by the return of the regular incumbent prior to the next regular election.

SEC. 8(c). In the event an election is to be held, the vacant office or position may be filled by appointment by the local union Executive Board pending the holding of such election which shall be held within ninety (90) days of the occurrence of vacancy.

SEC. 8(d). Notwithstanding any other provision of this Section, a local union may elect not to fill vacancies in offices or positions which are not essential to the temporary operation of the local union if the cost of holding an election or the length of time remaining in the term justify such action.

SECTION 9--SALARIES

SEC. 9. Each local union shall have authority to pay such salaries as it may determine for services rendered by the local union officers, business manager, business representatives, delegates, representatives and members. In no case, however, shall any local union officer, business manager, business representative, delegate, representative or member be exempted from his or her obligation to pay dues at the established rate in advance, and no officer, business manager, business representative, delegate, representative or member shall receive credit for dues in return for any services rendered.

Remuneration or salary due officers, business manager, business representatives, delegates, representatives, or members for services or expenses shall be paid to them from the local union treasury by check.

SECTION 10--PENSIONS

SEC. 10(a). There shall be established and maintained by the International Association Pension Funds to be known as Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) for such full-time salaried officials and employees of all local unions, state, provincial, district councils and related organizations who are eligible for coverage under the rules and regulations of such Pension Funds.

Employees of related organizations, however, shall be eligible for coverage under either of the said Sheet Metal Workers' Local Unions and Councils Pension Funds if permitted under its Trust Agreement and/or Plan, and if such coverage does not adversely affect either said Fund's tax exempt status or its financial integrity.

SEC. 10(b). The trustees of the Pension Funds shall be appointed by the General President with the approval of the General Executive Council.

SEC. 10(c). Each U.S. local union and council shall pay each month to the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) an amount equal to seventeen percent (17%) of the gross monthly compensation of each covered full-time salaried official and eligible employee, and such additional percentage or amount that is 1) required to satisfy the minimum funding requirements imposed by the Internal Revenue Service and ERISA applicable to the Fund, 2) required under the default schedule(s) published by the Fund, or 3) otherwise required by federal law, which shall be a standing appropriation and shall not require a vote of the local union or council. Each Canadian local union and council shall pay to the Sheet Metal Workers Local Unions and Councils Pension Fund (Canada) up to seventeen percent (17%) of the gross monthly compensation of each covered full-time salaried official as determined by the trustees of the Sheet Metal Workers Local Unions and Councils Pension Fund (Canada) or such greater percentage as is required to satisfy the minimum funding requirements imposed by the provisions of the Income Tax Act (Canada) and the Pension Benefits Act of Ontario applicable to the Fund (Canada) or which otherwise shall be in compliance with applicable laws and shall be considered a standing appropriation and shall not require a vote of the local union or council.

SEC. 10(d). To the extent permitted by federal and provincial laws, and notwithstanding any other provisions of this Section to the contrary, each Canadian local union and council shall pay to the Canadian Dues Defense Fund, herein established and maintained by the International Association, an assessment in an amount to be determined by the trustees of the Sheet Metal Workers Local Unions and Councils Pension Fund (Canada) which is based on a percentage of the gross monthly compensation paid to all full-time salaried officials who participate in the Sheet Metal Workers Local Unions and Councils Pension Fund (Canada) provided that the combined contributions to the Sheet Metal Workers Local Unions and Councils Pension Fund (Canada) authorized in Section 10(c) and the Canadian Dues Defense Fund shall not exceed seventeen percent (17%) or such greater percentage as may be required under Section 10(c) in the aggregate. The Canadian Dues Defense Fund shall be used for the purpose of dealing with uniquely Canadian problems that require particularized attention. The assessment in question shall be a standing appropriation and shall not require a vote of the local union or council.

SECTION 11--REMOVAL

SEC. 11(a). Automatic Removal. If any local union officer, business manager, or business representative shall fail to attend three (3) consecutive local union meetings without reasonable excuse, his or her office shall become vacant automatically and should any member of a local union Executive Board fail to attend three (3) consecutive meetings of the Executive Board without reasonable excuse, his or her office shall become vacant automatically.

SEC. 11(b). Removal for Cause. Local union officers, business manager or business representatives may be suspended or removed from office, for cause, in the manner and on the grounds specified in this Constitution, except that it shall be mandatory to remove from office any officer, business manager, or business representative who pleads guilty to, or is, after trial, found

guilty of charges of falsifying office receipts, any act of fraud, embezzlement, misappropriation or deception in receiving, recording, applying, handling or accounting of any monies, property or other things of value belonging to this Association or any local union or council thereof, or of refusal, failure or neglect to deliver at specified periods or on demand in accordance with this Constitution, a full and accurate accounting, with payment in full, and delivery of all monies, property and things of value, together with all books and records for examination and audit.

When any local union officer, business manager, or business representative is charged with any act of fraud, deception, embezzlement or misappropriation of monies, property, or things of value belonging to this Association or any local union or council thereof, he or she may be temporarily suspended from office with or without pay by the General President pending trial on such charges and a full report, together with all information in connection therewith, shall be sent to the General Secretary-Treasurer for handling with the bonding company in such manner as may be required by existing bonding agreements.

Charges and trial of local union officers, business manager, and business representatives shall be conducted in accordance with the provisions of Article Eighteen (18) of this Constitution.

SECTION 12 - TRAINING

SEC. 12. All full-time officers and agents are required to take the following courses offered by the Education Department: the new business agents class during the first year of their first term in office, the basic organizing class in the first term, and two classes of their choosing in their second term. Credit shall be given for courses taken before election.

ARTICLE THIRTEEN (13)

Duties of Local Union Officers, Business Manager, and Business Representatives

SECTION 1--DUTIES OF LOCAL UNION PRESIDENT

SEC. 1. The president shall preside at all meetings; rule on all questions of law, procedure and points of order; have the deciding vote in case of a tie; review and consent to the payment of bills and other obligations approved by the local union; require ineligible persons to leave the hall; appoint all committees unless otherwise directed by the local union and except as provided in Section 8(a) of this Article; call special meetings as provided in Article Ten (10), Section 6; appoint such assistants to the conductor or other officers as may be necessary to preserve order and to facilitate the proper conduct of meetings; act as chairman of the local union Executive Board; and perform such other duties as may be required of him or her by the local union consistent with the provisions of this Constitution and the policies of this Association.

SECTION 2--DUTIES OF LOCAL UNION VICE PRESIDENT

SEC. 2. The vice president shall assist the president in the performance of his or her official

duties; perform the duties of the president when the president is absent from meetings and perform such other official duties as may be assigned to him or her by the local union, consistent with the provisions of this Constitution and the policies of this Association.

SECTION 3--DUTIES OF RECORDING SECRETARY

SEC. 3. The recording secretary shall keep correct minutes of each meeting and read the same at the opening of the next meeting; read all official communications, documents, bills and expenses received by the local union except those coming within the jurisdiction of the financial secretary-treasurer; act as secretary of the local union Executive Board; keep a correct record of the names and addresses of all good standing members; issue all notices for meetings; keep a record of all registered apprentices and applications for membership; have charge of the official seal and affix same to all official correspondence and documents; review all bills and other obligations approved by the local union; notify the General Secretary-Treasurer of any change in any officers, business manager or business representatives of the local union and any changes in the addresses thereof; furnish the General Secretary-Treasurer with information about trials of, and discipline imposed against, members for misconduct; in the absence of both the local president and local vice president, call meetings to order and direct the local union to select a presiding officer pro tem; and perform such other duties as may be assigned to him or her by the local union consistent with this Constitution and the policies of this Association.

SECTION 4--DUTIES OF FINANCIAL SECRETARY-TREASURER

SEC. 4(A) General. The financial secretary-treasurer shall:

(a). Receive and record on official receipts all monies paid to the local union. Keep a correct record in the membership dues ledger of the account, obligations and payments of each applicant for membership and member, issue official receipts in triplicate form in each instance when payments are made to him or her by applicants or members and no other form of a receipt shall be issued.

(b). Deposit all monies received by him or her in the name of the local union in a bank selected and approved by the local union.

(c). Assume full responsibility and liability to the local union and this Association for the money received and recorded. Except obligations due this Association, make no disbursement from local union funds without the consent of the president, without approval or ratification by the local union, and without signing a check along with the signature of the president or another officer duly authorized by the local union except a trustee, or by electronic disbursement provided there is a process consistent with the requirement of two signatures and the proper segregation of duties between him or her and the president or other duly authorized officer. Separate from all monies received the per capita dues due the International Association to ensure that said money is sent directly to the General Office and is not used or disbursed for any purpose other than the payment of same to the International Association.

49 **(d).** Close the official receipt book on the last day of each month and immediately record
 50 all members who are more than two (2) months in arrears as suspended. Notice shall not be
 51 necessary.

52 **(e).** Forward to the General Secretary-Treasurer white duplicates of all receipts issued by
 53 him or her or by any other authorized officer or representative of the local union, including those
 54 issued on the last day of the month, together with his or her monthly or quarterly report and money
 55 order, bank draft, check, direct deposit, wire transfer or automated clearinghouse (ACH) network
 56 for the per capita dues and fees due this Association in time to reach the General Office not later
 57 than the tenth (10th) day of the following month.

58 The quarterly report shall include a statement showing all of the net assets of the local
 59 union including not only funds but the value of all properties real and personal of the local union
 60 and the reconciliation of outstanding obligations of the previous quarterly report. Whenever in the
 61 judgment of the General Secretary-Treasurer it is deemed impractical to require a local union to
 62 report on a monthly basis, he or she may upon the request of the local union extend such time to a
 63 quarterly basis. The financial secretary-treasurer of local unions reporting on a quarterly basis shall
 64 submit estimated per capita dues on a monthly basis and send his or her quarterly report and per
 65 capita dues or fees due this Association to the General Secretary-Treasurer not later than the tenth
 66 (10th) day following the end of the quarter reported.

67 If, notwithstanding the provisions of this Section, the local union per capita dues is not
 68 timely remitted to the General Secretary-Treasurer, whenever the account is thirty (30) or more
 69 days late, the local union shall be charged interest pursuant to Article Five (5), Section 1(a) which
 70 the financial secretary-treasurer shall remit in addition to the per capita dues. The provisions of
 71 this Article are modified for railroad local unions as set forth in Article Twenty-One (21), Section
 72 11.

73 **(f).** Include in the monthly report to the General Secretary-Treasurer a record of all
 74 initiations, reinitiations, suspensions, reinstatements, transfer cards issued and accepted,
 75 withdrawal cards issued and accepted, members expelled and deceased and all legal obligations
 76 due from suspended and expelled members to and including date of suspension or expulsion.

77 **(g).** Receive and conduct all correspondence between his or her local union and the General
 78 Office and with other local unions or councils pertaining to the records of standing and financial
 79 obligations of members.

80 **(h).** Keep a correct record of the name, membership number and address of each member
 81 and conduct all correspondence with members pertaining to their record and standing and financial
 82 obligations.

83 **(i).** On March 31, June 30, September 30 and December 31 of each year, or at any time he
 84 or she is called upon to do so by the trustees of the local union, submit to the trustees for inspection
 85 and audit a complete report of all monies received and disbursed by him or her, together with all
 86 of his or her books and records, including a listing of total assets and properties of the local union.

(j). Notify the General Secretary-Treasurer in case the trustees fail or neglect to conduct an inspection and audit after reasonable notice.

(k). Notify the General Secretary-Treasurer of all fines against members and institute lawsuits pursuant to Article Seventeen (17), Section 3, when necessary to collect fines.

(l). Perform such other duties as may be assigned to him or her by the local union which are consistent with the provisions of this Constitution and policies of this Association.

4(B). Official Receipts. Each and every official receipt issued in triplicate form shall clearly record the name of the applicant or the name and membership number of the member, the local union number, the actual date of payment and the actual amount of money paid by applicant or member, properly checked and applied in spaces provided therein, and the amount recorded paid on official receipts in triplicate form shall in no case be less than the actual amount due for obligations checked and recorded thereon. Each official triplicate receipt issued shall bear the signature or the authorized printed or facsimile signature in the case of computer issued receipts of the financial secretary-treasurer or other duly authorized officer of the local union issuing same.

All official receipts shall be issued consecutively according to serial numbers and consecutively according to date of payments actually made and issued at the time that monies are actually received.

White duplicate and yellow triplicate (copies) of official receipts must be issued at the same time that original official receipts are issued and must in each instance be exact copies of the original official receipt issued.

Should an error be made in issuing official receipts, the original receipt, white duplicate and yellow triplicate (copies) of said receipts shall be immediately marked void and another official receipt in triplicate form shall be issued to properly record any payment actually made by applicants or members.

The white duplicate (copies) of all spoiled and void receipts must be forwarded to the General Secretary-Treasurer with each monthly remittance.

Whenever officers or representatives other than the financial secretary-treasurer are duly authorized by local unions to collect dues, fees and other obligations from applicants or members, said officers or representatives shall acknowledge and record all payments made to them by applicants or members on official receipts in triplicate form, and no other form of receipt shall be issued or recognized, and they shall turn over to the financial secretary-treasurer of the local union at each regular meeting all white duplicate (copies) of official receipts issued by them between meetings with the total amount of monies collected and recorded on white duplicate (copies) of official receipts so that the financial secretary-treasurer shall enter proper credit to the account of those involved.

White duplicate official receipts filed at the General Office by local unions that are not

actual copies of original official receipts, or that have not been issued consecutively according to serial number and according to dates or which show erasures, change in name, change in amount, change in date or any other alteration or that record any money not actually paid shall not be accepted or applied to the credit of the member or person involved; nor shall any International fees or dues be accepted on said receipts. The original copy of all said receipts issued contrary to the requirements of this Constitution shall be taken up by the local financial secretary-treasurer and surrendered to the General Secretary-Treasurer to be properly corrected or canceled and declared void as the facts in the case may warrant.

Notwithstanding the above and providing the technology comes into existence, the General Secretary-Treasurer, with the approval of the General Executive Council, has the authority to implement an electronic means of receiving, filing and storing official receipts so long as adequate safeguards are in place.

SECTION 5--DUTIES OF TRUSTEES

SEC. 5. The trustees shall have supervision over all funds and property of the local union, subject to the provisions of this Constitution and any instructions from the local union not inconsistent therewith. They shall require the financial secretary-treasurer to deposit all monies, securities, and certificates of value in the name of the local union in such bank as the local union may designate; shall arrange with the proper officers of said bank that no funds, securities or certificates of value shall be drawn from the account of the local union except on check or draft signed by the financial secretary-treasurer and one or more other officers duly authorized by the local union or by electronic disbursement in compliance with Article Ten (10), Section 14; examine the financial statements and all books and records of the financial secretary-treasurer at the end of each quarter ending March 31, June 30, September 30 and December 31, and conduct a proper audit of such accounts; submit a certified report of this examination and audit to the local union and a duplicate original thereof to the General Secretary-Treasurer; have authority to demand and examine all books and records of the financial secretary-treasurer for the purpose of an audit at any time and notify the General Secretary-Treasurer of any refusal or failure of the financial secretary-treasurer to surrender his or her books and records for examination and audit either at the end of each quarter or upon demand of the trustees. They shall require an independent audit by a certified public accountant on an annual basis in accordance with the requirements of Article Ten (10), Section 11(a), of this Constitution.

SECTION 6--DUTIES OF CONDUCTOR

SEC. 6. It shall be the duty of the conductor to examine official receipts of all members attending meetings and report to the president or presiding officer at the opening of the meeting the name of anyone who is not in good standing or is ineligible to participate in the meeting; obtain the names of all applicants awaiting initiation and report the same to the presiding officer; conduct qualified applicants through the initiation ceremony and perform such other duties as may be assigned to him or her by the local union consistent with the provisions of this Constitution.

SECTION 7--DUTIES OF WARDEN

SEC. 7. The warden shall take charge of the door at each meeting and see to it that none but members in good standing and entitled to participate in the meeting are admitted. A member who applies for admission without his or her official receipt shall be announced by name and membership number, and, if the records of the financial secretary-treasurer show him or her to be in good standing and he or she is properly identified, he or she shall be admitted. The warden shall allow no members to retire without permission of the president or presiding officer, and shall perform such other duties as may be assigned to him or her by the local union consistent with the provisions of this Constitution.

SECTION 8--DUTIES OF BUSINESS MANAGER AND BUSINESS REPRESENTATIVES

SEC. 8(a). Business Manager. The business manager shall have authority to direct and supervise all business representatives and shall serve as chairman of the committee which negotiates wages, hours, and conditions of employment. He or she shall appoint all committees for which provisions are made in collective bargaining agreements as well as appoint all labor trustees of jointly administered trust funds unless otherwise provided in the respective trust fund documents. The business manager by virtue of his or her office shall serve as trustee on all negotiated trust funds although he or she may appoint a business representative in his or her place instead without the need for executive board approval. The Business Manager shall have authority to implement the provisions of Resolution 78, the text of which is printed as an appendix to this document.

SEC. 8(b). Business Managers and Business Representatives. Business managers and business representatives shall represent their local unions and members thereof in matters pertaining to organizing the unorganized, collective bargaining agreements and enforcement thereof, wages, hours, conditions of employment and jurisdictional matters and supervise the conduct and activities of members in connection therewith to the end that provisions of this Constitution and the policies of this Association are complied with; assist and cooperate with the officers of local unions, and the members thereof in carrying-out the provisions of this Constitution; use their best efforts to adjust and settle such controversies as may arise in connection with complaints of members, consistent with the rights of those involved in accordance with the provisions of the Constitution and the policies of this Association.

In all matters involving jurisdiction of work, business managers and business representatives shall recognize, protect and be governed by the jurisdictional claims and rights of this Association as set forth in Article One (1), Section 5, of this Constitution and shall not waive or relinquish claim to any work specified therein.

All newly elected business managers and business representatives are required to attend the new business agents' class conducted by the Education Department within one (1) year of election.

SEC. 8(c). Each local union, after due notice to the membership and approval at a special meeting called for that purpose or as a special order of business at a regular membership meeting, may establish a position of local organizer(s) for the purpose of assisting the business manager and business representatives in organizing the unorganized in the jurisdiction of the local union.

In the event the local union does establish such a position, the business manager may appoint such local organizer who will serve at the discretion of the business manager. Such organizer must meet the qualifications of Article Twelve (12), Section 3, of this Constitution.

SECTION 9--CONVENTION DELEGATES

SEC. 9. Automatic Delegates. Subject to the provisions of Article Seven (7), Section 3, by virtue of their offices and as part of their duties as such, the elected full-time salaried officers, business manager and business representatives of each local union, and the president and/or business manager of a production, federal or shipyard local without full-time salaried officers, shall serve as delegates of the local union to the General Convention of this Association, provided that this Section shall not be applied in such manner as to entitle any local union to more delegates than are provided for in Article Seven (7) of this Constitution nor shall this Section be construed to require a local union to send more delegates than it desires to represent it.

ARTICLE FOURTEEN (14)

Local Union Executive Board

SECTION 1—MEMBERSHIP

SEC. 1. The local union Executive Board shall consist of the president, vice president, recording secretary and such additional members as may be decided by the local union, who shall be nominated and elected in accordance with the provisions of Article Twelve (12) of this Constitution. The president shall act as chairman and the recording secretary shall act as secretary of such board.

SECTION 2--MEETINGS

SEC. 2. The local union Executive Board shall meet in regular session at such time and place as may be designated by the local union. Special meetings of the Executive Board shall be called by the president of the local union when in his or her opinion it is necessary or at the request of the business manager or a majority of the members of the Executive Board.

SECTION 3--DUTIES

SEC. 3. The local union Executive Board shall require the members, officers and representatives of the local union to comply with the provisions of this Constitution and shall cooperate at all times with other officers in the performance and execution of their duties and

15 obligations; shall assist and advise the business manager or business representatives in matters
 16 requiring immediate attention between meetings and perform such other duties as the local union
 17 may direct which are consistent with the provisions of this Constitution.

18 All actions and decisions of the local union Executive Board except those taken pursuant
 19 to Section 8 of Article Twelve (12) shall be subject to approval by the local union.

ARTICLE FIFTEEN (15)

Stewards

SECTION 1--APPOINTMENT

1 **SEC. 1.** The business manager shall appoint such stewards as may be necessary to properly
 2 perform the functions and duties described in Section 2 of this Article.

SECTION 2--DUTIES

4 **SEC. 2(a).** It shall be the duty of a steward to observe conditions of employment and the
 5 conduct of members to the end that the duties and obligations of members and provisions of
 6 existing union agreements shall be complied with; to assist whenever possible in adjusting
 7 differences or misunderstandings which arise out of the interpretations or applications of the
 8 provisions of existing union agreements in connection with the employment of members in shops
 9 or on jobs; to advise eligible applicants for membership regarding the requirements of membership
 10 and refer said applicants to the financial secretary-treasurer or the business representatives of the
 11 local union; to direct traveling members of other local unions who are seeking employment to
 12 report to the financial secretary-treasurer, business manager or business representative and to
 13 comply with the provisions of this Constitution regarding the deposit of transfer cards; to submit
 14 regular reports to the local union and to immediately report to the president, business manager or
 15 business representative any matter which warrants or requires their attention.

16 **SEC. 2(b).** Shop stewards shall require absolute compliance with all provisions and
 17 requirements of this Constitution regarding the issuance and use of union labels, and all rules and
 18 regulations governing wages and conditions of employment, and immediately report any violation
 19 or evasion to the president, financial secretary-treasurer, business manager or business
 20 representative of the local union.

ARTICLE SIXTEEN (16)

Membership

SECTION 1—QUALIFICATIONS

1 **SEC. 1(a).** Each applicant for membership must be of good moral character and must be a
 2 worker at one or more branches of the trade covered by the jurisdictional claims of this
 3 International Association and agree to be bound by the provisions of this Constitution and any

amendments thereto and by the policies and regulations established by this International Association. As long as not in conflict with federal or provincial laws, no member of the Communist Party or any person who advocates the objectives thereof and no person who belongs to or supports the policies of any other organization or group which advocates the overthrow of the Government of the United States or Canada by force shall be eligible to become or remain a member of this Association or any local union or council thereof.

SEC. 1(b). Foremen and Superintendents. Foremen and superintendents who supervise the work of members of this Association or who work for contractors signatory with this Association and who meet and comply with all provisions and requirements of this Constitution and the established and recognized wage scales and working conditions of affiliated local unions shall, except for the provisions of Section 1(c) of this Article, be eligible for membership in this Association or any local union affiliated therewith.

SEC. 1(c). Owners or Partners in Business. Except as otherwise provided in Section 1(d) hereof no owner, partner, agent, contractor, subcontractor, jobber, or any other person who is directly or indirectly financially interested in or who is an officer of or otherwise involved in the management of a sheet metal shop, business or job shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. No person compensated on a lump sum, piece work or other basis, that is not in accordance with the wage scales and working conditions established by this Association and the local unions and councils affiliated therewith, except when the person is subject to a union organizing campaign, shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. Financial interests within the meaning of this Section shall not include ownership of stocks and securities listed on the New York, American, or NASDAQ stock exchanges, or stock ownership in a signatory employer pursuant to an Employee Stock Ownership Plan (ESOP) negotiated with the members' local union.

SEC. 1(d). Owner-Members. An owner, employer, contractor, jobber, or anyone who otherwise participates as management in the sheet metal industry shall be eligible to retain or apply for membership in this International Association or any local union thereof as an owner-member with the same rights and duties as other members except as provided below:

(1). The sheet metal shop or business with which he or she is connected is in signed agreement with the local union or local unions having jurisdiction over the shop and the shop or business must employ at least one journeyman sheet metal worker who is a member of this Association.

(2). An owner-member shall not be entitled to attend any meetings or be permitted to vote for election of local union officers or on any question pertaining to wages, hours, benefits, or other terms or conditions of employment or on the acceptance or rejection of a collective bargaining agreement, and further, shall not be permitted to serve in a representative capacity or hold any office or position in the local union.

(3). An owner-member shall not be permitted to work in any capacity in the sheet metal industry for another employer.

(4). Any owner-member who fails to fulfill his or her financial obligations by making proper payment to his or her employees for work performed or to contribute the contractual obligations to fringe benefit funds shall be subject to charges and penalties as prescribed in Article Seventeen (17) of this Constitution.

(5). Any owner-member working with the tools of the trade shall pay to all fringe benefit programs for the actual hours worked in accordance with the respective collective bargaining agreement, unless that collective bargaining agreement provides for a different requirement.

(6). Nothing herein shall be construed to confer eligibility for benefits to an owner-member from any particular employee or fringe benefit plan, nor supercede any minimum hours or participation requirements of such plans.

SEC. 1(e). Membership in One Local Union. Except as otherwise provided in this Constitution no member shall be permitted or required to hold membership in more than one (1) affiliated local union at the same time, nor shall any member be required to pay dues or assessments into any other affiliated local union or building trades council as a condition of membership or employment, except the local union in which he or she is properly recorded as a member and the building trades council with which his or her local union is affiliated.

The member in question shall provide immediate proof of local union membership when he or she is challenged by any other member of the Sheet Metal Workers' International Association who displays a dues receipt as proof of membership and good standing in his or her local union. Along with this, a second form of pictured identification may also be required, such as, pictured driver's license or similar form of identification.

SEC. 1(f). Associate Membership. Each applicant for Associate Membership must be of good moral character and concerned with the issues affecting sheet metal workers and this Association.

Applicants for Associate Membership shall file an application with the General Secretary-Treasurer. If the applicant is found to be eligible, he or she shall be granted membership. The General Executive Council will be notified periodically of all new Associate Members.

An Associate Member shall not be entitled to attend local union meetings or be permitted to vote for election of local union officers.

Associate Members shall pay dues at the rate of Twelve Dollars (\$12.00) per year. The General Executive Council shall establish and change the dues as it deems appropriate. Dues shall be paid directly to the General Secretary-Treasurer, and shall be acknowledged on official receipts. Standing of Associate Members shall be determined by duplicate copies of official receipts properly issued recording payments actually made in the manner specified in this Constitution.

When an Associate Member becomes delinquent in the payment of Associate Membership dues, he or she shall be recorded suspended by the General Secretary-Treasurer without notice.

SECTION 2--APPLICATION FOR MEMBERSHIP

SEC. 2. Form of Application. Each qualified applicant for membership shall fill out the standard form of application prepared by this Association, which shall be accompanied by a deposit of not less than Fifty Dollars (\$50.00) toward the payment of initiation fee and be filed with the financial secretary-treasurer, who shall accept the application and notify the applicant.

The financial secretary-treasurer shall report a list of new members to the executive board or to the next regular meeting of the local union. Anyone who shall certify to any false statement or answer on official form of application for membership or who shall otherwise by false pretense, misrepresentation or fraud attempt to secure membership in this Association or any local union or council thereof, shall immediately have his or her application rescinded and forfeit all monies paid by him or her toward initiation fees.

SECTION 3--INITIATION AND REINITIATION

SEC. 3(a). Every applicant shall be initiated upon receipt by the local union of the deposit toward initiation fee and one month's dues which payment must be paid within eight (8) days after the beginning of his or her employment or as soon as the local union is permitted by law to require payment. He or she shall be notified to appear at a meeting of the local union to take the obligation of membership, or complete the standard official form of application in the presence of two (2) members, and acknowledge that he or she (1) has been furnished with a copy of the Constitution and Ritual of this Association and shall be responsible to examine and subscribe to same; (2) agrees to be governed by the principles and policies of this Association and this Constitution thereof as they then exist or as they may be changed or amended thereafter; and (3) will further abide by the valid by-laws, rules, and decisions of the local union. An applicant for initiation or reinitiation shall be recognized as a member by this Association unless the application is subsequently disapproved by the General Secretary-Treasurer or unless all initiation fees and per capita dues required by this Constitution are not timely paid by him or her.

SEC. 3(b). The amount of credit for initiation or reinitiation fee certified to on the original copy of the standard official form of application and obligation must in each instance be verified by white duplicate copies of official receipts filed at the General Office by the local union, recording actual payments made for initiation or reinitiation fee and dues beginning with the month in which initiation or reinitiation is properly recorded.

SEC. 3(c). No applicant for membership is entitled to credit for a greater amount of initiation or reinitiation fee than he or she has actually paid and is recorded on white duplicate copies of official receipts filed at the General Office, and no local union or officer thereof shall certify to or allow credit to any applicant or member for a greater amount of initiation or reinitiation fee than he or she has actually paid.

SEC. 3(d). Any qualified sheet metal worker who has filed application for membership in a local union and who has actually paid Fifty Dollars (\$50.00) or more to apply on the established initiation or reinitiation fee of the local union in which application for membership has been filed, and who then leaves the jurisdiction of said local union, shall, provided he or she complies with all other requirements of this Constitution, be accepted and obligated as a member of the local union with which he or she has filed application, with credit for a special initiation fee after which he or she shall, subject to the provisions of Section 9 of Article Sixteen (16), be entitled to a transfer card with credit only for the amount of Fifty Dollars (\$50.00) or more, special initiation fee actually paid. In the event such member fails to deposit the transfer card provided for in this paragraph, his or her initiation shall be void and he or she shall be restored to his or her status as an applicant for membership with credit on initiation fee of the amount actually paid.

SEC. 3(e). Any qualified sheet metal worker who has filed application for membership in a local union and who has actually paid less than Fifty Dollars (\$50.00) to apply on the established initiation or reinitiation fee of the local union in which application for membership has been filed, and who then leaves the jurisdiction of said local union, shall, immediately on entering the jurisdiction of another local union, present to the financial secretary-treasurer, business manager or business representative of said local union official receipts acknowledging and recording payments actually made on initiation or reinitiation fee to date, file a new application for membership in said local union, and if accepted as an applicant shall be allowed credit on initiation or reinitiation fee for the amount actually paid and recorded on official receipts presented, provided he or she shall comply with all requirements of this Constitution. On failure of the applicant to present official receipts for credit and to file new application for initiation or reinitiation with another chartered and affiliated local union within ninety (90) days, he or she shall forfeit his or her right to credit for all monies paid.

SECTION 4--FORFEITURE OF INITIATION FEE

SEC. 4. In the event an applicant is initiated for membership, except one serving an apprenticeship, but fails to pay his or her full initiation fee within six (6) months from the date of his or her application for membership, he or she shall be automatically suspended from membership and forfeit all monies paid by him or her toward initiation fee, unless the time is extended by action of the local union.

SECTION 5--UNAUTHORIZED FEES

SEC. 5. No applicant for membership shall be permitted or required to pay any permit fees under any circumstances or to pay any assessments until he or she has complied with all requirements of this Constitution governing initiation, reinitiation or reinstatement and has been duly obligated and properly recorded as a member.

SECTION 6--WITHDRAWAL CARDS

SEC. 6(a). General. Except as otherwise provided in this Section, any member in good standing who leaves the trade as a sheet metal worker and accepts employment in other industries

or in other trades shall, subject to the provisions of this Constitution, immediately make application for and be issued a withdrawal card. No member in good standing against who charges are pending or not disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer shall invalidate a withdrawal card upon receiving notice that a member on withdrawal card is performing work covered by the claimed jurisdiction of this Association.

SEC. 6(b). Application. Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member. Such applications shall be accompanied by payment of all dues, fees, and other financial obligations due the local union and this Association to and for the month in which the withdrawal card is issued plus Fifty Dollars (\$50.00) except as provided in Section 13 of Article Twenty-Two (22) of this Constitution. The General Secretary-Treasurer may reduce or waive the withdrawal fee for a local union, upon request.

SEC. 6(c). Owners or Partners in Business. Good standing members who become owners, partners, agents, contractors, or subcontractors or who become directly or indirectly financially interested or involved in the management of a sheet metal shop or business as officers or otherwise shall be eligible to receive and retain withdrawal cards only if, (1) such sheet metal shop or business in which they are interested continues to operate under a Union Agreement with the local union in whose jurisdiction such business is conducted, (2) not more than one (1) person connected or associated with the management of the sheet metal shop or business in which they are interested, whether such persons hold withdrawal cards or not, works with the tools of the trade and then in the shop only, and (3) at least one (1) member of this Association is employed on all work covered by Article One (1), Section 5 of this Constitution. A member who acquires stock ownership with a signatory employer pursuant to an ESOP negotiated with the members' local union shall be prohibited from receiving a withdrawal card.

SEC. 6(d). Rights and Privileges. Members on withdrawal card, subject to the provisions of Section 1(d)(2) of this Article and excluding railroad supervisors, shall have the right to attend meetings but shall not be eligible to actively participate in any meeting of a local union or council of this Association, nor shall any such member be eligible for nomination, election or appointment, or be permitted to serve, as officer, representative, delegate, business manager, business representative or committeeman unless he or she returns to active service and is available for work or has worked at the trade for not less than two (2) years immediately prior to the date of nomination or appointment.

SEC. 6(e). Reinstatement. A member on withdrawal card who is eligible for membership, who desires to return to employment as a sheet metal worker and becomes reinstated to membership, shall have the right to deposit his or her withdrawal card with the local union which issued the same and apply for reinstatement. Such deposit of withdrawal card for purposes of reinstatement and request for transfer card, if any, may be made by mail or by other method of delivery.

Each applicant for reinstatement on withdrawal card is entitled to credit for the actual amount of initiation or reinitiation fee paid prior to the issuance of his or her withdrawal card, and

shall be required to pay the difference between the amount of last initiation or reinitiation fee actually paid and the established initiation fee of the local union at the time that the withdrawal card is presented for reinstatement, except that a member who deposits his or her withdrawal card solely for the purpose of obtaining a transfer card shall pay the difference of initiation fee, if any, to the local union in which he or she deposits his or her transfer card and not to the local union that issued the withdrawal card.

Except as otherwise provided in Section 13 of Article Twenty-Two (22), the International reinstatement fee shall be Fifty Dollars (\$50.00) plus forty-five percent (45%) of any fee collected by the local union for difference in initiation fee for reinstatement on withdrawal card. The General Secretary-Treasurer may reduce or waive the reinstatement fee upon request from the local union. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The applicant shall also pay dues in advance and other obligations beginning with the month in which reinstatement is properly recorded but shall not be assessed any local union reinstatement fee.

SEC. 6(f). Dues. Members on withdrawal card shall pay dues at the rate of \$60.00 per year; said dues to be paid in advance on or before the first (1st) day of January of each year. Members on withdrawal card shall be subject to the provisions of Article Sixteen (16), Sections 11 and 12(a), concerning suspensions and reinstatements.

SEC. 6(g). Penalties. A member on withdrawal card will be subject to the provisions of Article Seventeen (17) of this Constitution. A member on withdrawal card who, as an employer, fails or is the person responsible for the failure of an employer to fulfill his or her financial obligations to the fringe benefit funds or to his or her employees shall forfeit his or her withdrawal card and the same shall be canceled. Notice of any cancellation of withdrawal card shall be sent to the individual involved and to the General Secretary-Treasurer.

SECTION 7--LIMITED MEMBERSHIP

SEC. 7(a). Eligibility. Limited Membership may be granted good standing members over sixty (60) years of age whose earning capacity has been substantially reduced because of age, retirement or disability and who have maintained a continuous good standing record of twenty-five (25) or more consecutive years; provided however, that in Canada only, Limited Membership may be granted to Canadian members over fifty-five (55) years of age if all other conditions of eligibility of this Section 7(a) are met.

SEC. 7(b). Application. Applicants for Limited Membership shall file an application in the local union of which they are members and if such application is approved by the local union it shall be submitted to the General Secretary-Treasurer for check as to eligibility. If the applicant is found to be eligible by the General Secretary-Treasurer, he or she shall be granted Limited

234 Membership subject to the conditions prescribed in this Section.

235 **SEC. 7(c). Rights and Privileges.** Limited Members may attend meetings, but Limited
236 Members shall not be eligible to actively participate in any meeting of a local union or council of
237 this Association, nor shall they be eligible to nomination, election or appointment or be permitted
238 to serve as officers, representatives, delegates, business manager, business representatives or
239 committeemen.

240 **SEC. 7(d). Dues.** Limited Members shall pay dues at the rate of Forty-eight Dollars
241 (\$48.00) per year, said dues to be paid quarterly in advance on or before the first (1st) day of
242 January, April, July and October of each year. Said Limited Membership dues shall be paid directly
243 to the financial secretary-treasurer of the local union with which the member is affiliated or to the
244 General Secretary-Treasurer, and shall be acknowledged and recorded on official receipts.
245 Standing of Limited Members shall be determined by duplicate (copies) of official receipts
246 properly issued recording payments actually made in the manner specified in this Constitution.

247 **SEC. 7(e). Forfeiture.** When a Limited Member becomes two (2) consecutive months
248 delinquent in the payment of Limited Membership dues, he or she shall be recorded suspended by
249 the local financial secretary-treasurer or by the General Secretary-Treasurer without notice and
250 shall thereby forfeit his or her privilege of Limited Membership. The privilege of Limited
251 Membership thus forfeited shall not thereafter be reinstated or restored.

252 **SECTION 8—MEMBERS ENTERING THE ARMED FORCES**

253 **SEC. 8(a).** Members whose dues, per capita dues and other obligations due the local union
254 and this Association are paid to and for the month in which they enter the armed forces of the
255 United States or Canada may, notwithstanding any provisions of this Constitution to the contrary,
256 either make application for a special withdrawal card or for Special Limited Membership in
257 accordance with and subject to the condition hereafter provided. Members on a regular withdrawal
258 card are not eligible to make application for a special withdrawal card or for Special Limited
259 Membership.

260 **SEC. 8(b).** Special Limited Memberships provided for in this Article may be issued to
261 members entering the armed forces upon the furnishing to the General Secretary-Treasurer of the
262 actual date of entry into active service accompanied by Special Limited Membership dues of One
263 Dollar and Twenty-Five Cents (\$1.25) per month, paid for one quarter in advance. Thereafter
264 Special Limited Membership dues shall be paid at the rate of One Dollar and Twenty-Five Cents
265 (\$1.25) per month, quarterly in advance to and including the date of payment of membership dues
266 at the regular established rate of the local union, which payment shall be made not later than ninety
267 (90) days immediately following the month in which he or she is released from active service.
268 Photostatic copy of Honorable Discharge or other official evidence of release from the active
269 service shall be furnished the General Secretary-Treasurer.

270 Any member of the National Guard or Reserves, activated by the Armed Forces, shall
271 immediately be issued Special Limited Membership after his or her regular dues are paid to and

for the month in which he or she was activated. The dues of One Dollar and Twenty-Five Cents (\$1.25) per month, paid quarterly in advance, shall be paid by the local union, not by the member.

Holders of Special Limited Membership who comply with the provisions of this Section shall be reinstated to full membership, without payment of reinstatement fee, and full credit for continuous good standing to and including actual date of entry into active service, plus continuous good standing thereafter established under said Special Limited Membership during the period of active service.

Any local union is authorized to pay the Special Limited Membership dues provided for in this Article at the rate of One Dollar and Twenty-Five Cents (\$1.25) per month either out of its general fund or relief fund.

Special Limited Membership dues shall be paid quarterly in advance to the financial secretary-treasurer of the local union with which the member is affiliated. The provisions of this Section shall not apply to members who voluntarily re-enlist in the armed forces.

SEC. 8(c). Special withdrawal cards issued to members entering the armed forces shall be effective as of the date of actual entry into active service and shall continue in effect until three (3) months after the actual date of discharge. If, within said three (3) month period, the holder of such special withdrawal card shall have filed application for reinstatement in the local union issuing such special withdrawal card accompanied by dues at the regular rate of such local union beginning with the date of application for reinstatement and a photostatic copy of Honorable Discharge or other official evidence of release from active service which shall be forwarded to the General Secretary-Treasurer, he or she shall be reinstated to membership without payment of reinstatement fee or the difference between initiation fee paid and initiation fee at the time of such reinstatement.

The holder of such special withdrawal card shall be entitled to none of the rights, privileges and benefits of membership; but on reinstatement to membership in accordance with the provisions of this Section, his or her record of continuous good standing previously established to and including the month of actual entry into service shall be restored, but without credit for the period during which said special withdrawal card was effective.

SECTION 9--TRANSFER CARDS

SEC. 9(a). Any good standing member of an affiliated local union who desires to travel or accept employment in the jurisdiction of another local union, in the event such employment involves a transfer of permanent address, shall apply to the financial secretary-treasurer of his local union for an official transfer card.

SEC. 9(b). No member against whom any charges are pending or who has been notified to appear for any hearing or trial as defendant or complainant, in connection with charges already filed in accordance with this Constitution, shall be entitled to a transfer card until the hearing or trial is concluded and all duties and all obligations, financial and otherwise, in connection with said charges or trial have been fully discharged.

SEC. 9(c). No member shall be entitled to a transfer card unless all local union and Association obligations are paid in full, including dues in advance to and including the month in which the transfer card expires, plus One Dollar (\$1.00) transfer fee. Any dues paid beyond the month in which the transfer card expires, will be paid by the issuing local union to the admitting local union, less the per capita dues. Of these dues, if the dues structure is higher in the admitting local union, the member will be required to pay the difference to the admitting local union, less the per capita dues which was previously paid to the International by the issuing local union.

SEC. 9(d). The financial secretary-treasurer of each local union is obligated to issue official transfer cards to good standing members in the manner specified in this Constitution without action or approval of the members of the local union.

SEC. 9(e). When a transfer card is issued by a local union it shall bear the signature of the president and financial secretary-treasurer and the seal of the local union and shall be endorsed by the member receiving the same in the presence of the financial secretary-treasurer. When a transfer card is issued by the General Secretary-Treasurer it shall be signed by him and bear the seal of this Association.

SEC. 9(f). When a member enters the jurisdiction of another local union he or she shall immediately report to the financial secretary-treasurer, business manager, business representative, president, or recording secretary and present his or her official dues receipt and transfer card, for deposit, before seeking or accepting employment in the jurisdiction of such other local union.

SEC. 9(g). When depositing a transfer card, the member shall record thereon his or her local address and shall keep the local union informed of any change in the local address.

SEC. 9(h). Except as otherwise provided in Section 9(s) of this Article, if for any reason an official transfer card issued to any good standing member is not deposited with or accepted by another local union within thirty (30) days from date of issue, said transfer card expires by limitation and becomes void; and should the member still desire to travel to seek or accept employment in the jurisdiction of another local union, he or she shall apply to the financial secretary-treasurer of the local union that issued the expired and void transfer card and of which he or she is still a member for a new transfer card which, like the previous one, shall be issued only on payment of all obligations, including dues in advance to and including the month in which the new transfer card expires by limitation.

SEC. 9(i). Until such time as a traveling member deposits his or her transfer card with and it is accepted by another local union, he or she shall pay dues and all other obligations directly to the local union which issued the same and of which he or she is still a member, and he or she shall not pay dues in any other local union until his transfer card is properly deposited and accepted therein. Should he or she fail to pay dues and all other obligations directly to the local union of which he or she is still a member, pending proper deposit and acceptance of his or her transfer card in another local union, or should he or she fail to pay dues to another local union, after his or her transfer card has been properly deposited and accepted therein, he or she shall be recorded suspended without notice, in accordance with this Constitution, when two (2) months in arrears.

348 **SEC. 9(j).** Except as provided in Section 9(k) of this Article, any member who accepts
349 employment in the jurisdiction of another local union after the deposit and acceptance of his or her
350 transfer card shall pay to said local union the difference, if any, between the amount of initiation
351 fee actually paid prior to his or her transfer as recorded in the General Office and the established
352 initiation fee of the local union in which his or her transfer card was deposited and accepted,
353 provided that no local union shall be required to admit any member on transfer card who has less
354 than five (5) years of continuous good standing with this Association, other than a member who
355 has completed a qualifying apprentice training program, unless after appearance before the local
356 union examining board, such member demonstrates that he or she is capable of performing the
357 type of sheet metal work coming within the jurisdiction of such local union, in accordance with
358 the standards of workmanship established by such local union.

359 **SEC. 9(k).** Any member who has established a record of continuous good standing of five
360 (5) years or more to and including date of issuance of transfer card (and including time as an
361 apprentice-member) shall be admitted by transfer card into any local union of this Association in
362 accordance with the requirements of this Constitution, and without payment of any difference in
363 initiation fee.

364 **SEC. 9(l).** Any member who desires to leave the jurisdiction of a local union with which
365 his or her transfer card is properly deposited and accepted before the difference between the actual
366 amount of initiation fee paid by the member prior to his transfer and the established initiation fee
367 of the local union is paid in full shall be granted a transfer card with credit for the actual amount
368 of initiation fee paid prior to transfer, plus any difference paid subsequent to transfer, provided he
369 or she shall pay all dues and obligations including dues in advance to and for the month in which
370 transfer card expires, plus One Dollar (\$1.00) transfer fee.

371 **SEC. 9(m).** Each transfer card shall have attached thereto a form which shall be detached
372 by the financial secretary-treasurer of the local union with which the transfer card is deposited.
373 Said form shall be filled out over the signature of the financial secretary-treasurer and the seal of
374 the local union and forwarded to the General Secretary-Treasurer, and when all requirements of
375 this Constitution have been complied with, the transfer card shall be cleared and recorded at the
376 General Office.

377 **SEC. 9(n).** The transfer card of any good standing member when properly issued and
378 presented for deposit with proper identification shall be accepted by any local union in accordance
379 with this Constitution, except in localities where strikes, lockouts, disputes or controversies
380 regarding wages or working conditions exist, or where negotiations for wages or working
381 conditions are pending or unsettled, provided, however, that this exception shall apply only to
382 strikes involving an entire segment of the industry and shall not apply in those cases where
383 negotiations have resulted in an agreement under which members continue in or return to
384 employment.

385 **SEC. 9(o).** No member shall be recorded at the General Office as transferred from one
386 local union to another until all requirements of this Constitution have been complied with and the
387 record of transfer properly certified and acknowledged by the General Secretary-Treasurer.

SEC. 9(p). No transfer cards issued or accepted by local unions contrary to this Constitution shall be recognized or cleared by the General Secretary-Treasurer but shall be declared void. Members involved shall assume full responsibility and liability for any loss of standing resulting from such transactions.

SEC. 9(q). In all cases where members procure and attempt to deposit transfer cards in violation of the provisions of this Constitution, said transfer cards shall be void, and the members attempting to deposit such transfer cards for the purpose of evading the provisions of this Constitution shall be subject to fine, suspension or expulsion by the local union issuing the transfer cards.

SEC. 9(r). Any member who accepts employment in the jurisdiction of another local union and fails to comply with the provisions of this Article relating to the obtaining and deposit of transfer cards shall be subject to charges and trial and, except as provided in Section 9(q) of this Article, shall be tried in the local union in whose jurisdiction the offense was committed. Any penalty properly imposed by such local union shall be recognized and complied with by any such member found guilty of such charges, subject to appeal as provided in Article Nineteen (19) of this Constitution.

SEC. 9(s). Notwithstanding any other provisions of this Article, a good standing member shall obtain a transfer card in order to work within the jurisdiction of another local union in the event he or she changes his permanent residence to a location within the territorial jurisdiction of the local union in which he or she intends to perform work.

SECTION 10 - PORTABILITY OF LABOR/TRAVELERS

SEC. 10(a). Members sent by their employers from the jurisdiction of one local union into the jurisdiction of another local union shall report to the office or to the financial secretary-treasurer, business manager, business representative, president or recording secretary of the local union in whose jurisdiction they are located. Such report shall be made before starting to work and may be made in person, by telephone, by facsimile or by mail. Said members shall receive from their employers at least the established wage scale of the local union of which they are members and in no case less than the established wage scale of the local union in whose jurisdiction they are employed, plus all necessary expenses while employed in the jurisdiction of another local union, and shall otherwise comply with the established working rules and conditions of the local union in whose jurisdiction they are located. Said members shall not be required to transfer their membership to the local union in whose jurisdiction they are temporarily employed.

In the event qualified members are available in the jurisdiction of the local union in which the work is to be performed, not more than two (2) members per job shall, at the request of the employer, leave the jurisdiction of the local union where the shop of the employer is located and enter the jurisdiction of the local union in which the work is to be performed for the purpose of performing such work.

SEC. 10(b). Except as otherwise provided in Section 10(d) of this Article, where the shop

of an employer is located in the jurisdiction of one local union and such employer has a contract for work within the jurisdiction of another local union he may employ members of the local union having jurisdiction over the territory where the work is to be performed, and such members shall retain their membership in the local union having jurisdiction over the territory where the work is to be performed. Should the employment of such members be continued by such employer and in the course of such employment it becomes necessary for them to work within the jurisdiction of other local unions, they will be required to secure transfer cards and deposit same with the local union having jurisdiction over the territory in which the shop of the employer is located and comply with the requirements of Section 10(a) of this Article.

SEC. 10(c). Any member who accepts employment in the jurisdiction of another local union and fails to comply with the provisions of Section 10(a) of this Article shall be subject to charges and trial and shall be tried in the local union in whose jurisdiction the offense was committed. Any penalty properly imposed by such local union shall be recognized and complied with by any such member found guilty of such charges, subject to appeal as provided in Article Nineteen (19) of this Constitution.

SEC. 10(d). Members accepting employment outside of the jurisdiction of the local union of which they are members, without having been issued a transfer card, shall report immediately to the financial secretary-treasurer, business manager, business representative, president or recording secretary of the local union in whose jurisdiction they intend to perform work and present their official dues receipts before accepting employment. That local union in turn shall notify any employee benefit funds to which contributions are required to be made under the local union's collective bargaining agreement, so that any such fund who is party to the Sheet Metal Workers' International Association Master Reciprocal Agreement will know that any contributions made on behalf of the traveling member may be intended for, and may need to be forwarded to, the fund(s) of the member's home local union. Each local union shall insert language consistent with this requirement into its collective bargaining agreement(s). Such members shall abide by all working rules, regulations, by-laws and collective bargaining agreements in effect in the jurisdiction in which they are working. To help defray the administrative and collective bargaining expenses of the local union, and to promote work opportunities within the local union, travelers shall pay to said local union all working assessments in effect in said local union or the sum of Twenty-Five Dollars (\$25.00) per week, whichever is imposed by the local union.

SECTION 11—SUSPENSION OF DELINQUENT MEMBERS

SEC. 11. Any member who becomes two (2) months in arrears shall be recorded suspended by the local financial secretary-treasurer and by the General Secretary-Treasurer. Under no circumstances shall any extension of time be granted. Notice is not necessary. No back dues shall be accepted from any member suspended in accordance with this Section and no official receipt shall be issued to record such dues after the expiration of the two (2) month limit or predated to avoid suspension.

A member suspended in accordance with this Section shall forfeit all rights, privileges, and benefits of membership. He or she shall not be permitted to participate in any meetings or in any

affairs of this Association or of any local union or council affiliated therewith during the period of suspension nor shall any local union or this Association accept or record any dues or per capita dues from such member either during or after such suspension to be applied to the period of suspension.

SECTION 12—REINSTATEMENT

SEC. 12(a). Reinstatement of Suspended Members. Any member or any apprentice-member who is suspended in accordance with Section 11 of this Article, who is otherwise eligible to membership, shall, within two (2) months from the date of such suspension, be reinstated upon the payment of a local reinstatement fee of not less than Fifty Dollars (\$50.00), plus dues in advance beginning with the month of reinstatement, provided such reinstatement fee and dues are actually paid and properly recorded on official receipts within two (2) months from the date of suspension. Such reinstatement shall not restore to such member any membership rights established prior to suspension.

Reinstatement of suspended members shall not be recorded at the General Office until white duplicate (copies) of official receipts recording and verifying the actual payment of a local reinstatement fee of not less than Fifty Dollars (\$50.00), plus dues in advance beginning with the month in which reinstatement is properly recorded are filed with the General Secretary-Treasurer, accompanied by forty-five percent (45%) of the local reinstatement fee, as described in Section 2(b) of Article Ten (10) and International per capita dues beginning with the month in which reinstatement is properly recorded, and have been accepted and acknowledged by the General Secretary-Treasurer.

Any member who is suspended in accordance with Section 11 of this Article, who is otherwise eligible to membership, who does not comply with the requirements of reinstatement within two (2) months from date of suspension forfeits his or her right to reinstatement and should he or she desire to again become a member he or she shall reinitiate in accordance with Section 2 of this Article although the standard form of application does not need to be completed again.

SEC. 12(b). Reinstatement of Members Suspended for Cause or Expelled. Any member suspended for cause or expelled after trial and appeal, or opportunity for trial or appeal as provided in Articles Eighteen (18) and Nineteen (19) may be reinstated to membership only by (1) reinitiating and following the procedure prescribed in Section 2 of this Article, although the standard form of application does not need to be completed again, (2) paying in full all financial obligations due this Association, and any local union or council thereof, at the time of his or her expulsion or suspension, provided, however, that the payment of such financial obligations due any local union shall be waived if they have not been reported to the General Secretary-Treasurer as provided in Section 4 of Article Thirteen (13), and (3) obtaining the written consent of the local union from which he or she was suspended or expelled (provided such local union has complied with the provisions of Section 4 of Article Thirteen (13) of this Constitution regarding notice to the General Secretary-Treasurer of obligations due from suspended or expelled members), provided, in addition, however, that if such expulsion or suspension was occasioned by any act of fraud, deception, embezzlement, misappropriation, or appropriating to his or her own use any

monies, properties or things of value belonging to this Association or any local union or council thereof, such former member shall be eligible for reinitiation only with the consent of the General President and the local union and council of which he or she was formerly a member and only on condition that he or she has complied with all requirements of this Constitution, including the payment in full of all money due and the surrender of all property and things of value belonging to this Association and any local union or council thereof, and upon the further condition that he or she shall not be eligible for or be permitted thereafter to hold any office or position in this Association or local union or council thereof.

Notwithstanding any other provisions of this Section, the General President, the General Executive Council or the General Convention may permit, order, or deny reinstatement of a suspended or expelled member if such action is deemed to be in the best interests of a local union or this Association.

SECTION 13—MAINTENANCE OF GOOD STANDING

SEC. 13(a). Responsibility for establishing and maintaining good standing in accordance with this Constitution rests entirely with each individual member. The actual payment of dues, per capita dues, initiation fees, reinitiation fees, reinstatement fees and other obligations by each member, when properly acknowledged and recorded on official receipts in triplicate form, with white duplicate (copies) of official receipts filed at the General Office, for which dues and fees due this Association have been paid in accordance with this Constitution, is the only recognized and acceptable evidence of the standing of any member unless said obligations have been withheld from the employee's wages by his or her employer pursuant to a valid check-off authorization.

SEC. 13(b). Each applicant for membership and each member, when making payments on initiation fees, dues, assessments, reinstatement fees, reinitiation fees or other obligations affecting their standing, shall demand and receive the original copy of official receipt issued in triplicate form and shall accept no other form of receipt, nor shall any local union or officer or representative thereof issue any other form of receipt.

SEC. 13(c). The record of continuous good standing shall be recorded broken without notice in each instance when duplicate (copies) of official receipts establish the fact that dues and other obligations, including International per capita dues and fees, were not paid within the two (2) month limit. The record of continuous good standing shall likewise be forfeited in each instance where the member has been recorded suspended or expelled or has been issued a withdrawal card, and the record of continuous good standing thus broken cannot be reinstated or restored.

SEC. 13(d). The record of continuous good standing of reinstated or reinitiated members begins with date of reinstatement or reinitiation properly accepted, recorded and acknowledged by the General Secretary-Treasurer, and the record of continuous good standing of reinstated or reinitiated members shall be recorded broken in the same manner and under the same conditions specified in Section 13(c) of this Article, and the record of continuous good standing thus broken cannot be reinstated or restored.

544

SECTION 14—RESIGNATION

545 **SEC. 14.** Any member may resign from membership. Resignations shall be effective upon
 546 receipt of written notification by mail or hand delivery to any full-time officer or business
 547 representative at his or her local union. In Canada, no resignation shall be accepted if offered in
 548 anticipation of charges being preferred against him, during the pendency of any such charges or
 549 during a strike or lockout.

550 The General Secretary-Treasurer shall have the authority to issue a certificate of honorable
 551 resignation to individuals who have established a record of membership in good standing for a
 552 period of twenty-five (25) years or more in the Sheet Metal Workers' International Association,
 553 and whose names have been submitted by the local union for this certificate.

554

SECTION 15—HONORARY MEMBER

555 **SEC. 15.** From time to time the International may wish to honor an individual who has a
 556 sustained record of supporting the labor movement and exemplifies dedicated public service by
 557 granting him or her an honorary membership of this Association. Any local union may submit a
 558 request to the International for an individual to be granted an honorary membership. Honorary
 559 memberships shall be granted by the General President at conferences, conventions or other
 560 significant functions of this Association or functions at which the General President or his designee
 561 is attending and participating. An honorary member is welcome to attend Association events as a
 562 guest, but the membership itself provides none of the usual rights of union membership and does
 563 not require the payment of dues.

ARTICLE SEVENTEEN (17)**Misconduct and Penalties****SECTION 1—OFFICERS, MEMBERS AND REPRESENTATIVES**

1 **SEC. 1(a).** Except as otherwise provided in this Constitution, after trial and conviction of
 2 any of the offenses described in this Article, any officer or member of this Association may be
 3 disciplined by imposition of one or more of the following penalties: reprimand, fine, removal from
 4 office, suspension or expulsion from membership, or other appropriate disciplinary measures.

5 **SEC. 1(b).** Refusal or failure to perform any duty or obligation imposed by this
 6 Constitution, the policies of this Association, the valid decision of any Officer or Officers thereof
 7 or the valid decisions of the General Executive Council or Convention or the valid rules and
 8 regulations of any local union or council.

9 **SEC. 1(c).** Engaging in conduct at union or council meetings, or at other locations, that
 10 tends to or does interfere with, diminish, or destroy the ability of an officer, business manager,
 11 business representative, or member to perform legal, contractual or constitutional obligations on

12 behalf of a local union or council or to discharge the duties of the office to which such individual
13 was elected or appointed.

14 **SEC. 1(d).** Filing frivolous charges against any officer or member of this Association or
15 of any local union or council thereof or failing, refusing or neglecting to appear as prosecuting
16 witness after filing charges, or to present all facts and evidence to support any charges so filed
17 against such officer or officers or member or members.

18 **SEC. 1(e).** Violating the established union collective bargaining agreements and rules and
19 regulations of any local union relating to rates of pay, rules and working conditions.

20 **SEC. 1(f).** Attempting, inaugurating or encouraging secession from this Association or any
21 local union or council thereof or advocating, encouraging or participating in any rival unionism or
22 division within the Sheet Metal Workers' International Association.

23 **SEC. 1(g).** Accepting employment in any shop or on any job where a strike or lockout, as
24 recognized under this Constitution, exists, or performing any work covered by the claimed
25 jurisdiction of this Association for any employer or becoming an employer that is not signatory to
26 or bound by a collective bargaining agreement with an affiliated local union of this International
27 Association, unless authorized by the local union.

28 **SEC. 1(h).** Agreeing to perform or performing any sheet metal work covered by the
29 claimed jurisdiction of this Association on a piecework basis, unless permitted in the relevant
30 collective bargaining agreement approved by this Association, a lump sum basis, or any other basis
31 except that provided and specified by this Constitution and by the established and recognized union
32 agreements, rules and regulations of affiliate local unions and councils governing the employment
33 of members.

34 **SEC. 1(i).** Committing any act of fraud, embezzlement, misappropriation, or appropriating
35 to his or her own use any money, property, or thing of value belonging to this Association or any
36 local union or council thereof, or to any fund or committee administered or trustee in whole or in
37 part by a local union, or refusing, failing or neglecting to deliver at specified periods or on demand,
38 in accordance with this Constitution a full and accurate accounting, all monies, properties, books
39 and records for examination and audit.

40 **SEC. 1(j).** Acquiring or maintaining membership by false pretense, misrepresentation or
41 fraud including, but not limited to, fraudulent use of membership cards or dues receipts or being a
42 party to misrepresentation as to the identity or membership status of the bearer of such card or
43 receipt.

44 **SEC. 1(k).** Failure or refusal to abide by the rules of order and parliamentary procedure in
45 the meetings of a local union or council or creating any disturbance therein, or recording by any
46 means the proceedings of any official meetings of the local union.

47 **SEC. 1(l).** Committing or attempting or threatening to commit any physical assault upon

any officer or member of this Association, or of any subordinate unit thereof, while in the performance of his or her duties.

SEC. 1(m). Engaging in any conduct which is detrimental to the best interests of this Association or any subordinate unit thereof or which will bring said unions into disrepute.

SECTION 2—LOCAL UNIONS AND COUNCILS

SEC. 2. Any local union or council which authorizes, approves or condones any of the acts described in Section 1 of this Article or fails or refuses to abide by the provisions of this Constitution, the policies of this Association, the valid decisions of any General Officer or Officers or the valid decisions of the General Executive Council or Convention or its own valid rules and regulations shall be subject to suspension or revocation of its charter.

SECTION 3—FINES

SEC. 3. All fines levied in accordance with the provisions of this Constitution shall be paid within the time limit specified and, in Canada no dues shall be accepted from any member who refuses, fails or neglects to pay such fines, except that if the fine exceeds Fifty Dollars (\$50.00), payment of the sum of Fifty Dollars (\$50.00) shall be paid as a condition of any proper appeal. Such payment shall stay the effective date of the payment of the total fine only until the date the appeal has been decided by the General Executive Council. Following the decision of the General Executive Council, the fine, if upheld or as modified by the General Executive Council, shall be promptly paid in whole or in part as specified by such decision, unless payment is expressly waived by the General Executive Council.

All fines initially shall be paid to the local union in which such member holds membership and if the fine was levied by another local union, notice of such payment shall be sent to such local union by registered, certified or overnight mail. If imposition of the fine is not appealed, or upon final disposition of the case, the fine is upheld, the amount to be paid shall be remitted to the financial secretary-treasurer of the local union which imposed the fine.

When fines are not paid in accordance with the provisions of this Section, collection thereof in the United States shall be effected by the financial secretary-treasurer of the local union which imposed the fine by suit in any court of competent jurisdiction and the member shall be liable for the costs of such suit including payment of reasonable attorney fees.

ARTICLE EIGHTEEN (18)

Charges and Trials

SECTION 1—OFFICERS, REPRESENTATIVES OR MEMBERS OF LOCAL UNIONS OR COUNCILS

SEC. 1(a). Charges against officers, representatives or members of any local union or council may be preferred in the manner provided in this Article by any member or members, local union or council or any officer or representative thereof or by any General Officer or International Representative of this Association.

Notwithstanding any language to the contrary in Article Sixteen (16), a suspended member and, also, a former member who has been expelled, or has resigned in accordance with Section 14 of Article Sixteen (16), shall be permitted to appear before a local union trial committee or an International Trial Board to defend against charges preferred against him or her and to exercise to the extent practicable such rights as are conferred on an accused party pursuant to Sections 2 and 3 of this Article including the right to select as his or her counsel in the trial proceedings any good standing member of his or her or any other local union, and to appeal from any adverse trial committee or Trial Board decision in accordance with the provisions of Article Nineteen (19) hereof. Moreover, if such member desires to challenge the selection of the local union trial committee, he or she shall be permitted to attend only that portion of the union meeting at which the trial committee is selected.

SEC. 1(b). All charges provided for in this Section shall be in writing and filed by the charging party not later than ninety (90) days after his or her knowledge of the alleged offense, except that when the alleged offense occurs during the pendency of a strike supported or participated in by the local union affected, the charges shall be filed within ninety (90) days from the conclusion of such strike, signed by the party preferring them and shall contain a specific statement of the facts out of which the charges arose and the duty or obligation including the sections of this Constitution alleged to have been violated.

SEC. 1(c). The officer, representative or member preferring such charges, shall send a copy of the same by registered, certified or overnight mail to the accused, to the local union of which the accused is a member, and, if the misconduct occurred in the jurisdiction of another local union, to the local union in which a trial on the charges may properly be held.

SEC. 1(d). The General President may in his or her discretion order the accused tried by a trial board appointed by him. Such trial boards shall be composed of two (2) or more good standing members, International Representatives or General Officers who are not directly or indirectly involved in the matters which give rise to the charges upon which the accused is to be tried and who are not members of the local union of which the accused is a member or of the local union in whose jurisdiction the offense was alleged to have been committed.

Unless otherwise ordered by the General President, trials shall be held in local unions in the manner prescribed in Section 2 of this Article.

SECTION 2—TRIAL IN LOCAL UNIONS

SEC. 2(a). Unless otherwise provided in this Constitution, trials in local unions shall be conducted in the local union in whose jurisdiction the alleged offense was committed by the local union Executive Board or a trial committee consisting of three (3) or more members of such local

union selected in accordance with the provisions of Section 2(b) of this Article.

SEC. 2(b). Unless the trial is to be conducted by the local union's Executive Board, a trial committee shall be elected by the local union at the first regular meeting held not less than fifteen (15) days after a copy of the charges have been mailed to the accused by registered, certified or overnight mail as provided in this Article or at a special meeting held after fifteen (15) days notice to the membership including the accused. No member of a local union shall be eligible to serve on a trial committee, whether it consists of a local union Executive Board or is otherwise selected, if he or she is directly or indirectly involved in the matters which gave rise to the charges upon which the accused is to be tried.

SEC. 2(c). The accused shall have the right to challenge two (2) members of the original trial committee immediately after the election of the entire committee, provided he or she is present at the meeting at which the trial committee is elected, and they shall be declared removed by the presiding officer. The local union shall thereupon, and at the same meeting, elect a member or members to fill any vacancies in the trial committee created by the exercise, by the accused, of the challenges provided for in this paragraph. The election to fill such vacancies shall be held in the same manner as the election of the original trial committee.

If the trial is to be conducted by the local union Executive Board, the accused, if present at the meeting at which the Executive Board is directed to conduct the trial, shall have the right to challenge two (2) members of such board at such meeting and such challenged members will not be permitted to participate in such trial. No other member will be elected to take the place of Executive Board members thus challenged. In the event a majority of the local union Executive Board is unable because of challenges, or is otherwise ineligible to participate in such trial, the local union shall elect a trial committee in the manner prescribed in this Section.

SEC. 2(d). The trial committee shall elect a presiding officer and secretary and fix the time and place of trial. The presiding officer shall notify the accused and those who preferred the charges, by registered, certified or overnight mail, of the time and place of trial and such trial shall be promptly held but shall not be held less than fifteen (15) days after the mailing of such notice.

SEC. 2(e). A trial may be conducted by a majority of the trial committee, provided the same members of such committee hear all of the evidence presented at such trial. No member of the trial committee who absents himself from any session of a trial may participate in the findings, decision or recommendations of the trial committee or file any concurring or dissenting opinion.

All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of their case and shall be entitled to cross-examine witnesses of the other party or parties. Each party shall have the privilege of selecting any good standing member of his or her or any other local union to act as his or her counsel in the trial proceedings, except a member of the trial committee or a member of the Executive Board when it is acting as the trial committee.

A verbatim transcript of the trial proceedings prepared by a qualified court reporter may

77 be ordered at the local union's discretion and expense or it may be ordered as a matter of right by
 78 the charging party or the accused at his or her or their expense after prior notification to the local
 79 union in which event copies thereof must be furnished to the secretary of the trial committee and
 80 the opposing party; but the proceeding shall not be recorded by tape, wire, electronic or other
 81 similar device by any person other than the qualified court reporter.

82 In the event no stenographic transcript is made, the secretary of the trial committee shall
 83 reduce the minutes of the trial to writing and include therein the substance of the testimony and all
 84 exhibits submitted at the trial. Unless previously furnished he or she shall send to each party by
 85 registered, certified or overnight mail a copy of the transcript or minutes, as the case may be, and
 86 each party within ten (10) days after receiving same shall submit to the secretary of the trial
 87 committee, in writing, any objections thereto. The record thus made shall constitute the record of
 88 the trial for the purpose of appeal and in the event any party fails to file objections thereto within
 89 the time limit prescribed herein, the transcript or minutes furnished by the secretary of the trial
 90 committee, for purposes of appeal, shall be deemed to be a correct record of the trial procedure
 91 and of the evidence presented.

92 All matters relating to the procedure of the trial, not otherwise specified in this Section,
 93 shall be determined by the trial committee and all parties and their respective counsel shall comply
 94 with all orders and directions of the trial committee with respect to such matters.

95 **SEC. 2(f).** At the next regular meeting of the local union, following the conclusion of the
 96 trial, the trial committee shall submit to the local union in writing, its findings of the facts, decision
 97 and recommendations. The members of the local union there assembled shall vote, without debate,
 98 solely on the question of whether to accept or reject the decision and recommendations of the trial
 99 committee and a majority vote shall be final, subject only to appeal.

100 No further trial shall be had on the same charges unless directed by a decision on appeal.

101 **SEC. 2(g).** The accused and those who preferred the charges and the local union of which
 102 the accused is a member shall be notified by registered, certified or overnight mail of the action of
 103 the trial committee and of the local union in connection therewith. Such notice shall advise the
 104 parties of their right to appeal to the General President.

105 **SEC. 2(h).** Except as provided in Section 2(i) of this Article, should the accused fail, refuse
 106 or neglect to appear for trial after due notice or, after appearing, refuse to comply with orders or
 107 directions of the trial committee relating to the conduct of his or her trial or otherwise attempt to
 108 obstruct or thwart the trial committee in its conduct of his or her trial, the trial committee shall
 109 proceed with his or her trial in his or her absence, hear such evidence as may be presented by
 110 witnesses who respond to notice, and render its findings, decision, and recommendations. Nothing
 111 contained in this paragraph shall deprive the accused of the privilege of selecting a good standing
 112 member of his or her or any other local union to act as his or her counsel during proceedings unless
 113 such counsel should refuse to comply with orders or directions of the trial committee relating to
 114 the trial or should otherwise attempt to obstruct or thwart the trial committee in its conduct of the
 115 trial. Should those who preferred the charges fail to appear after due notice, the accused shall be

116 found not guilty.

117 **SEC. 2(i).** In the event the accused is employed at a point one hundred (100) or more miles
118 distant from the point at which such trial is to be held such party may submit his or her evidence
119 in written form and shall not be required to attend the trial in person.

120 **SEC. 2(j).** Either party shall be granted a postponement of a trial for a reasonable time by
121 the chairman of the trial committee if valid reasons are presented, or the trial committee may
122 postpone the trial, either on request or on its own motion, for no more than thirty (30) days.

123 **SEC. 2(k).** Either party to the proceedings, provided for in this Section, may appeal from
124 the findings, decision, or recommendations of a trial committee or the action of any local union in
125 connection therewith in the manner prescribed in Article Nineteen (19).

126 **SECTION 3—TRIAL BY INTERNATIONAL TRIAL BOARD**

127 **SEC. 3(a).** Should the General President order an accused member, officer, or
128 representative of any local union or council to be tried by International Trial Board as provided in
129 Section 1(d) of this Article, he shall, in the event the charges were filed with a local union, notify
130 such local union, the accused and those preferring the charges in writing, by registered, certified
131 or overnight mail, of the time and place of such trial. Should the General President order the trial
132 held at a place other than within the jurisdiction of the local union in which the alleged offense
133 occurred or of which the accused is a member, the parties and their counsel shall be reimbursed
134 for travel expenses and earnings necessarily lost as a result of their attendance at the trial. Expenses
135 and loss of earnings may be allowed to witnesses in the discretion of the General President, but in
136 the event such allowance to witnesses is not made, the Trial Board shall admit in evidence all
137 relevant testimony of witnesses which either party submitted in affidavit form.

138 If charges were initially filed with the General President as provided in Section 4 of this
139 Article, he shall notify the accused and those preferring the charges, in writing, by registered or
140 certified mail, of the time and place of such trial.

141 **SEC. 3(b).** Except as provided in Section 3(a), all parties shall be given the opportunity to
142 present evidence and exhibits, to cross-examine witnesses and each other, and to be represented
143 by any good standing member as counsel.

144 **SEC. 3(c).** The provisions of Sections 2(e), 2(h), 2(i), and 2(j) of this Article shall be
145 applicable to the extent practicable in trials before an International Trial Board.

146 **SEC. 3(d).** The decision of the International Trial Board shall be final except for the right
147 of appeal to the General Executive Council as provided in Article Nineteen (19) of this
148 Constitution. Such decision shall be in writing and a copy thereof shall be furnished to the General
149 President, the parties, and, if the charges were initially filed in a local union, to the local union.

150 **SEC. 3(e).** Should a member of the General Executive Council be a member of an

151 International Trial Board he or she shall not participate in the decision of any appeal which may
 152 be taken from a decision of such International Trial Board.

153 **SECTION 4**

154 **SEC. 4.** Charges preferred against any member, officer or representative, which do not
 155 come within the trial jurisdiction of any local union, as provided in this Constitution, shall be filed
 156 with the General President in the form and in the manner prescribed in Section 1(b) of this Article.
 157 The General President shall order the accused tried in accordance with the provisions of Section 3
 158 of this Article, except that the accused may be represented by any good standing member, as
 159 counsel, other than a General Officer or a member of the General Executive Council.

ARTICLE NINETEEN (19)

Appeals

SECTION 1—WHO MAY APPEAL

1 **SEC. 1.** Any local union, council, officer, representative of this Association or any officer,
 2 representative, or member of any local union or council thereof whose constitutional rights are
 3 violated by any decision or order of a local union or council or a legally constituted tribunal thereof
 4 or by any decision or order of any General Officer or Officers, Representative, or the General
 5 Executive Council of this Association shall have the right to appeal as provided in this Article.

6 **SECTION 2—APPEALS TO THE GENERAL PRESIDENT**

7 **SEC. 2(a).** Except as otherwise provided in this Constitution all original appeals shall be
 8 referred to the General President for consideration and decision. The General President, however,
 9 may, in his discretion, decline to rule and refer any appeal directly to the General Executive
 10 Council.

11 **SEC. 2(b).** All appeals to the General President shall be

- 12 • In written form and
- 13 • Addressed to and received by the General Secretary-Treasurer
- 14 • With copies mailed to the opposing party or parties, including a charging party where
- 15 applicable,
- 16 • Within thirty (30) days from the date of the action from which appeal is taken,
- 17 • Unless notice thereof is required by this Constitution, in which event, the appeal must be
- 18 received by the General Secretary-Treasurer within thirty (30) days of the date of the
- 19 mailing of such notice.

If the appeal is from a decision of a trial committee, the “notice” referred to herein shall date from

- The mailing to the parties of a copy of the transcript or the minutes of the trial or
- Action of the local union on the decision, whichever is later.

If a fine in excess of Fifty Dollars (\$50.00) has been imposed, the member appealing must provide proof that the sum of Fifty Dollars (\$50.00), as required in Article Seventeen (17), Section 3, has been paid to the member’s local union within the thirty (30) day period in order for the appeal to be considered timely.

The appeal shall be filed by the party or parties seeking the same,

- Signed by him, her or them and
- Shall be accompanied by all written evidence in affidavit form and
- Such exhibits and arguments as are deemed necessary by the appealing party or parties for the proper and complete consideration of his or her or their appeal.

Appeals from any decision or order directed to a local union or council shall be made by the involved local union or council and not by an individual member or members thereof and shall require authorization by the local union or council and be signed by the president thereof.

Parties other than the appellant, including local unions, shall have the right to file an answer to such appeal with the General President which must be received within thirty (30) days after the receipt thereof, which answer shall contain such written rebuttal evidence, exhibits and argument as they deem necessary for the proper and complete consideration of the appeal. Should the party other than the appellant fail to file an answer to an appeal within the above time limit the General President shall consider the record to be closed, render his decision on the record thus made, and mail a copy to the parties to the appeal. His decision shall be final and binding unless changed on further appeal as provided in this Article.

Should the appeal be predicated upon any action of a local union or council, copies thereof shall be furnished to such local union or council which shall be entitled to file a response thereto in the same manner as an appellee.

All appeals and answers or responses thereto and all decisions on appeal shall be mailed by registered or certified mail, return receipt requested, overnight mail or by a courier delivery service that provides a return receipt.

SECTION 3—APPEALS TO THE GENERAL EXECUTIVE COUNCIL

SEC. 3(a). All appeals from decisions or orders of the General President and all original appeals submitted to the General Executive Council shall be in writing and addressed to and

received by the General Secretary-Treasurer, and a copy mailed to opposing parties, within sixty (60) days from the date of the decision or action from which appeal is taken, unless notice hereof is required by this Constitution, in which event, the appeal must be received within sixty (60) days from the date of mailing of such notice. The appeal shall be signed by the party or parties seeking appeal and shall be accompanied by all additional testimony in affidavit form and such exhibits and argument as are deemed necessary by the appealing party or parties for the proper and complete consideration of his or her or their appeal. Parties other than the appellant shall have the right to file an answer to such appeal which must be received by the General Secretary-Treasurer within sixty (60) days after receipt thereof, which answer shall contain such written rebuttal evidence in affidavit form, exhibits and argument as they deem necessary for the proper and complete consideration of the appeal.

All appeals and answers thereto and all decisions on appeal shall be mailed by registered or certified mail, return receipt requested, overnight mail or by a courier delivery service that provides a return receipt.

SEC. 3(b). The General Executive Council shall base its decision only upon the evidence and argument submitted in accordance with Section 2(b) and Section 3(a) of this Article, unless one of the parties requests the right to appear personally before the General Executive Council during the consideration thereof. Should such request be made, the General Secretary-Treasurer shall notify all other parties to the proceedings of their right to appear before the General Executive Council in connection with the appeal. Parties who appear before the General Executive Council in connection with any appeal shall be permitted only to present argument on the written record made and shall not be permitted to introduce additional evidence.

SEC. 3(c). The decision of the General Executive Council shall be by majority vote of those participating and shall be final unless changed upon appeal to the General Convention.

SEC. 3(d). The General Executive Council may, in its discretion, delegate to a subcommittee composed of no fewer than three members authority to decide any appeal from a decision of the General President or an International Trial Board. In such event, the hearing on the appeal shall be held at a location reasonably convenient to the parties having an interest in the appeal. The decision of the subcommittee shall have the same effect, force and authority as a decision of the full General Executive Council.

SECTION 4—APPEALS TO THE GENERAL CONVENTION

SEC. 4. Unless otherwise provided in this Constitution, all appeals from decisions of the General Executive Council shall be referred to the Grievances and Appeals Committee of a General Convention which shall render its decision upon the written record made before the General Executive Council. Any party to an appeal to the Grievances and Appeals Committee shall be permitted to appear before said Committee for the purpose of argument, but shall not be permitted to introduce additional evidence. The Grievances and Appeals Committee shall report to the General Convention such recommendations with respect to the disposition of the appeal as it deems fair and proper, which report shall be acted upon by the Convention in the same manner

as reports of other Convention committees, except that debate in connection therewith shall not be permitted. The Convention delegates shall vote, without debate, solely on the question of whether to accept or reject the decision and recommendations of the Grievances and Appeals Committee, and a majority vote of the delegates to the Convention shall be final.

All such appeals shall be received by the General Secretary-Treasurer within sixty (60) days from the date of the mailing of the decision by the General Executive Council. The General Secretary-Treasurer shall mail notice of such appeal to the other parties involved.

If the fine is in excess of Fifty Dollars (\$50.00), the member appealing shall submit proof of payment of the balance of the fine within sixty (60) days after notification of the decision of the General Executive Council, unless such payment shall have been waived by the General Executive Council pursuant to Section 5(b) of this Article. Otherwise the appeal shall be deemed untimely and denied.

All appeals and answers thereto and all decisions on appeal shall be mailed by registered or certified mail, return receipt requested, overnight mail or by a courier delivery service that provides a return receipt.

SECTION 5—COMPLIANCE PENDING APPEAL

SEC. 5(a). Except as provided in Section 3 of Article Seventeen (17) and Section 5(b) of this Article, no appeal shall be recognized or considered unless the local union, council, officer, representative, or member thereof filing the appeal has accepted and complied with the decision or order from which such appeal is taken, including the payment of all financial obligations in connection therewith.

SEC. 5(b). A member who files an appeal to the General President or the General Executive Council and believes compliance with Section 5(a) of this Article or with Section 3 of Article Seventeen (17) would constitute a substantial bar to the exercise of the right to appeal may request a waiver in writing at the time the appeal is filed. In the event the General President or the General Executive Council concludes that compliance would constitute a substantial bar to the right of appeal, compliance therewith may be waived or modified by the General President with respect to appeals submitted to him and by the General Executive Council with respect to appeals submitted to it or to the General Convention, provided, however, that in the event the decision or order appealed from directs suspension or expulsion from membership compliance with such portion thereof pursuant to Section 5(a) of this Article shall be waived automatically pending disposition of any appeal to the General President or the General Executive Council but not thereafter unless expressly waived by the General Executive Council.

SECTION 6 – DEFERRED APPEALS

SEC. 6. The General President, General Executive Council and General Convention are hereby authorized to refuse or defer consideration, or to refuse, defer or withhold decisions in any

128 matter pending in any court of law as circumstances in their opinion and judgment may warrant
129 and justify.

130 **SECTION 7**

131 **SEC. 7.** Appeals not filed within the time limits prescribed in this Article shall be dismissed
132 by the General Secretary-Treasurer and notice of such dismissal sent to the appellant by registered,
133 certified or overnight mail. Unless the appellant submits facts which if established by proof would
134 show the appeal to be timely the decision of the General Secretary-Treasurer shall be final and not
135 subject to appeal.

136 **SECTION 8**

137 **SEC. 8.** The General President, General Executive Council and General Convention shall
138 have the right to affirm, amend, modify, or reverse any decision which has been submitted to him
139 or to them on appeal, and increase or decrease the penalty, if any, in connection therewith, or order
140 a new trial before the same or a different trial committee.

141 **SECTION 9—APPEALS TO COURTS**

142 **SEC. 9.** Subject to applicable laws, no local union, council, or officer or member thereof
143 shall appeal to the civil courts for redress until all of the internal remedies provided in this
144 Constitution, including the right of appeal, have been exhausted.

ARTICLE TWENTY (20)

Official Journal

SECTION 1

1 **SEC. 1.** The name of the official journal shall be the Sheet Metal Workers' Journal.

2 **SECTION 2**

3 **SEC. 2.** The Journal shall be under the supervision of the General Secretary-Treasurer and
4 issued at a subscription rate established by the General Executive Council which, in the case of
5 members, shall be included in the monthly per capita dues paid to the General Office. The General
6 Secretary-Treasurer may enter such free subscriptions to the Journal for non-member individuals
7 or for such institutions or groups as he may deem desirable for the promotion of the interests of
8 this Association.

9

SECTION 3

10 **SEC. 3.** The General Secretary-Treasurer is hereby authorized to employ such assistance
 11 and to purchase such facilities as may be necessary to produce a modern and effective publication.
 12

ARTICLE TWENTY-ONE (21)**Railroad Unions and Councils****SECTION 1—JURISDICTION**

1 **SEC. 1.** Railroad District Councils shall have jurisdiction over local unions and the
 2 members thereof on such railroad or railroads as may be determined by the General President.

3 Consolidations, mergers or divisions of Railroad District Councils and the distribution and
 4 allocation of their funds in the event thereof shall be made in accordance with Section 2(g) of
 5 Article Three (3) of this Constitution.

6

SECTION 2—GOVERNMENT

7 **SEC. 2.** Each Railroad District Council shall enact a constitution and by-laws for the
 8 government thereof subject to the approval of the General President provided such constitution
 9 and by-laws do not conflict with the provisions of this Constitution. Each Railroad District
 10 Council, its officers, representatives and members shall be bound by the provisions of this
 11 International Constitution and by all the policies and decisions properly rendered by the General
 12 President and the General Executive Council.

13

SECTION 3—CONVENTIONS

14 **SEC. 3(a). Time and Place.** The convention of each Railroad District Council shall be
 15 held at such time and place as may be provided in its constitution and by-laws provided, however,
 16 that such conventions shall be held not less often than every four (4) years.

17 **SEC. 3(b). Number and Qualifications of Delegates.** Each local union shall be entitled
 18 to one (1) delegate to its District Council convention for the first fifty (50) good standing members
 19 or less and one (1) additional delegate for each additional fifty (50) members or majority fraction
 20 thereof. Local unions affiliated with more than one District Council shall be entitled to delegate
 21 representation at conventions of each District Council with which it is affiliated. The number of
 22 delegates shall be based upon the number of members in such local union over whom each District
 23 Council has jurisdiction. No member shall be eligible for nomination or election as a delegate
 24 unless he or she meets the qualifications described in Section 3 of Article Twelve (12) of this
 25 Constitution.

26 **SEC. 3(c). Election of Delegates.** Delegates shall be elected by each local union in

27 accordance with the provisions of the constitution and by-laws of the District Council with which
28 it is affiliated except that in all cases such election shall be by secret ballot.

29 **SEC. 3(d). Voting Strength.** Each delegate shall be entitled to one (1) vote on all matters
30 coming before the convention except that on roll call vote and in the election of District Council
31 officers each local union having a delegate or delegates present shall be entitled to one (1) vote.

32 **SECTION 4—OFFICERS**

33 **SEC. 4(a). Number, Title and Term of Office.** Officers of a District Council shall be
34 general chairmen, financial secretary-treasurer and members of the Executive Board who shall
35 serve for a period of four (4) years. Each District Council may, in its discretion, establish the office
36 of assistant general chairman. No more than two (2) officers shall be elected from the same local
37 union. The offices of general chairman and financial secretary-treasurer may be combined.

38 **SEC. 4(b). Qualifications for Office.** No member shall be eligible for nomination or
39 election as an officer of a District Council unless he or she meets the qualifications prescribed in
40 the second paragraph of Section 3 of Article Twelve (12) of this Constitution.

41 **SEC. 4(c). Election of Officers.** The officers of each District Council shall be nominated
42 and elected by the delegates at a District Council convention in accordance with the constitution
43 and by-laws of the District Council from among the delegates attending the convention, except
44 that the incumbent of any office shall not be required to be a delegate to be eligible for re-election.
45 Elections shall be held by secret ballot.

46 **SEC. 4(d). Vacancies.** Temporary and permanent vacancies, in any office of the District
47 Council, shall be filled by appointment or election in accordance with the provisions of the District
48 Council constitution and by-laws provided same are not inconsistent with this Constitution.

49 **SECTION 5—DUTIES OF GENERAL CHAIRMEN**

50 **SEC. 5.** The presiding officer shall appoint the members of the various committees. All
51 general chairmen shall be journeymen sheet metal workers and shall represent the District Council
52 and the members thereof in matters pertaining to collective bargaining agreements, wages, hours,
53 conditions of employment and jurisdictional matters and supervise the conduct and activities of
54 members in connection therewith to the end that the provisions of this Constitution and the policies
55 of this Association are complied with. They shall not participate in negotiations seeking
56 modification or changes in existing collective bargaining agreements without prior consultation
57 with the General President or a representative designated by him. They shall assist and cooperate
58 with the officers of local unions and the members thereof in carrying out the provisions of this
59 Constitution; use their best efforts to adjust and settle such controversies as may arise in connection
60 with the complaints of members consistent with the rights of those involved in accordance with
61 the provisions of this Constitution and the policies of this Association. They shall not financially
62 obligate the District Council without approval of the Executive Board of the District Council. They
63 shall discharge, on behalf of the District Council, such duties as may be imposed upon them by
64 the District Council, including execution and filing of any reports to Federal or State authorities

and maintain such records as the law requires for a period or periods of time they are required to be kept.

The general chairmen shall protect the work jurisdiction set forth in Section 5(aa) of Article One (1) of this Constitution and shall not enter into any agreement with representatives of other organizations involving work jurisdiction until such contemplated agreement is submitted to and approved by the General President.

By virtue of his or her office and as a part of his or her duties, the presiding officer of the District Council shall serve as a delegate of the District Council to the General Convention. All other general chairmen by virtue of their office shall be the automatic delegate from their home local union to the General Convention.

The general chairmen shall not be permitted to serve as such unless they either devote their full time to their office or, if elected on a part-time basis, continue in the employ of the railroad within their jurisdiction during the time they are not working in behalf of their District Council.

SECTION 6—DUTIES OF FINANCIAL SECRETARY-TREASURER

SEC. 6. The financial secretary-treasurer shall receive all monies from all sources paid to the District Council. He or she shall pay all bills when presented with a voucher authorizing same and signed by the general chairman, keep an accurate account of financial transactions between the affiliated local unions and the District Council, furnish a statement to all affiliated local unions of the District Council, its officers and the General Secretary-Treasurer of the monthly receipts and disbursements of the preceding quarter, carry on all correspondence in connection with his or her office, keep a complete record of the minutes of the meetings of the District Council and District Council conventions, and perform such other duties as the District Council may impose not inconsistent with the International Constitution.

He or she shall discharge, on behalf of the District Council, such duties as may be imposed upon him or her by the District Council, including the execution and filing of any reports to federal or state authorities and maintain such records as the law requires for the period or periods of time for which they are required to be kept.

SECTION 7—BONDING

SEC. 7. The financial secretary-treasurer of a District Council shall be bonded in accordance with the provisions of Section 1© of Article Five (5) of this Constitution.

SECTION 8—EXECUTIVE BOARD

SEC. 8(a). Members. The District Council Executive Board shall consist of the general chairmen, financial secretary-treasurer and other members elected in accordance with the constitution and by-laws of the District Council.

SEC. 8(b). Duties of Executive Board. It shall be the duty of the District Council Executive Board to assist and cooperate with the general chairmen, to enforce all laws and to see that justice is given to all affiliated local unions and the members thereof. Between conventions, the general executive and administrative powers of the District Council shall be vested in the District Council Executive Board.

SECTION 9—REVENUE AND FUNDS

SEC. 9(a). Per Capita Dues. Each Railroad District Council shall establish and maintain monthly per capita dues sufficient to carry on the business of the District Council on a sound financial basis having in mind its current and prospective needs.

When the District Council per capita dues is increased by action of the delegates at a District Council Convention, the then prevailing rate of dues of each local union shall be automatically increased in like amount on the effective date of the per capita dues increase.

The per capita dues shall be paid by each local union to the financial secretary-treasurer of the District Council on the same basis as per capita dues to the International Association, to wit: all dues collected during a given month must be forwarded to the District Council financial secretary-treasurer on or before the tenth (10th) day of the following month.

The General Secretary-Treasurer on complaint of a District Council that this Section is not being complied with is empowered, after notification to the offending local, to refuse to accept International per capita dues until the District Council per capita dues is paid in full. All members within the jurisdiction of a District Council shall pay district per capita dues to the district in which they are employed and in all cases the local union to which the member belongs must pay the district per capita dues of the member to the district within whose jurisdiction the member is working.

SEC. 9(b). Funds. The money and property of the District Council shall be used solely for the benefit of the District Council and its members and not for the personal gain or profit of any officer or member. The officers, agents, representatives or members of the District Council who handle its funds or property shall be held to this standard of conduct and accountable for any breach thereof under this Constitution. Since the general executive and administrative powers of the District Council are vested in the Executive Board in the interim between conventions, the general chairmen and District Council financial secretary-treasurer shall manage, invest and expend the funds and property of the District Council in accordance with all applicable provisions of this Constitution, the constitution and by-laws of the District Council and any resolutions adopted by the Executive Board not inconsistent therewith.

SECTION 10—COLLECTIVE BARGAINING

SEC. 10. This Association, acting through its duly authorized officers, committees, or representatives, has full and sole authority to represent all employees who are members of this Association or any local union affiliated therewith in the negotiating, interpreting and applying of

agreements covering wages, hours, and other conditions of employment, made and entered into under the provisions of the Railway Labor Act, and to represent such employees in all conferences, negotiations, or other proceedings with the management; to appear and represent all such employees before any tribunal authorized to consider or adjust claims arising out of the interpretation or application of such agreements, and to adjust, compromise and settle all such claims.

No agreement covering wages, hours and other conditions of employment under the provisions of the Railway Labor Act negotiated on a national basis on behalf of employees in the craft or class of Sheet Metal Workers shall become effective unless and until the same shall be ratified by the members affected thereby who shall be afforded opportunity to vote thereon at special membership meetings in each of the respective affected local unions.

SECTION 11—COMPLIANCE

SEC. 11. All railroad local unions shall comply strictly with all provisions and requirements of this Constitution with reference to the payment of dues and other obligations and the proper acknowledgement and recording of same on official receipts in triplicate form. Upon written request from a railroad local union, the General Secretary-Treasurer may by giving written notice to the railroad local union financial secretary-treasurer or president, assume responsibility for receiving dues and issuing dues receipts, creating and processing financial reports reflecting the receipt of dues, and remitting the local portion of the dues to the local; and he or she shall remit the local portion of the dues to the local minus the amount owed to the Railroad District Council and he or she shall remit that portion to the Railroad District Council.

Railroad District Councils shall not adopt any rules, regulations, or policies which in any way conflict with the provisions and intent of this Constitution; nor shall any additional rules or regulations, not included in this Constitution, be adopted until they are first submitted to the General Secretary-Treasurer for consideration and approval by the General Executive Council and official notice of approval received from the General Secretary-Treasurer.

All of the provisions and requirements of this Constitution governing the administration and operation of local unions and the duties and obligations of officers, representatives, and members thereof shall apply to Railroad District Councils and the officers, representatives, and members thereof insofar as they are adaptable and insofar as they are not inconsistent with the provisions of this Article.

SECTION 12—INITIATION FEE, REINITIATION FEE & REINSTATEMENT FEES AND WITHDRAWAL CARDS

SEC. 12(a). All railroad local unions of this Association shall after ninety (90) days from date of issuance of charters, close said charters and charge an initiation fee of Two Hundred Dollars (\$200.00) for journeymen, helpers and apprentices. Each new employee shall be required to pay all dues and fees owed the SMWIA from when the carrier notifies the labor organization of his or her hiring and the labor organization conveys this to the new employee by letter with a copy to the

financial secretary-treasurer. It is the responsibility of the new employee to ensure that his or her dues are actually being paid. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as an International initiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

Dues shall be paid in advance beginning with the month in which initiation is properly recorded, accepted, and acknowledged by the General Secretary-Treasurer. No local union is authorized or permitted to lower its initiation fee below the amount specified in this Section without permission from the General President.

SEC. 12(b). All railroad local unions shall charge a reinitiation fee of Four Hundred Dollars (\$400.00) for journeymen, helpers and apprentices. It is the responsibility of the member to notify the financial secretary-treasurer in writing of his or her return to work and to ensure that his or her dues are actually being paid. He or she shall be required to pay all dues and fees owed the SMWIA from the time he or she returned to work. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

Dues shall be paid in advance beginning with the month in which reinitiation is properly recorded by the General Secretary-Treasurer.

SEC. 12(c). All railroad local unions of this Association shall charge a reinstatement fee of Four Hundred Dollars (\$400.00) for journeymen, helpers and apprentices. It is the responsibility of the member to notify the financial secretary-treasurer in writing of his or her return to work and to ensure that his or her dues are actually being paid. He or she shall be required to pay all dues and fees owed the SMWIA from the time he or she returns to work. If the suspended member does not comply with the above requirements, he or she shall be required to pay all dues and fees owed the SMWIA from the time he or she returned to work. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as an International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The reinstatement fee specified herein shall apply to

216 suspended members who comply with the requirements of reinstatement within two (2) months
217 from date of suspension.

218 In each case dues shall be paid in advance beginning with the month in which reinstatement
219 is properly recorded by the General Secretary-Treasurer.

220 **SEC. 12(d).** Any member in good standing who leaves the trade as a sheet metal worker
221 or accepts employment in another trade or is furloughed from the railroad, or goes on medical
222 leave of absence exceeding sixty (60) days shall, subject to the provisions of this Constitution,
223 immediately make application for and be issued a withdrawal card. No member in good standing
224 against whom charges are pending or not disposed of shall be entitled to a withdrawal card. A
225 withdrawal card shall become void immediately upon a member's acceptance of employment with
226 an employer performing work covered by the claimed jurisdiction of this Association.

227 Application for withdrawal cards shall be made to the financial secretary-treasurer of the
228 local union of which the applicant is a member. Such applications shall be accompanied by
229 payment of all dues, fees, and other financial obligations due the local union and this Association
230 to and for the month in which the withdrawal card is issued plus Five Dollars (\$5.00) withdrawal
231 card fee. The General Secretary-Treasurer may establish rules limiting the validity of withdrawal
232 cards to ensure that the purposes of this Section are implemented.

233 A member on withdrawal card who is eligible for membership who wishes to return to
234 employment as a sheet metal worker and become reinstated to membership, shall have the right to
235 deposit his or her withdrawal card with the local union which issued the same and apply for
236 reinstatement. The minimum fee for reinstatement on a valid withdrawal card shall be Fifteen
237 Dollars (\$15.00), Six Dollars and Seventy-Five Cents (\$6.75) or forty-five percent (45%) of which
238 shall be sent to the General Secretary-Treasurer as an International reinstatement fee, thirty-five
239 percent (35%) of which shall be paid to the General Fund, and up to five percent (5%) shall be
240 apportioned on a basis determined by the General Executive Council between the Sheet Metal
241 Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers'
242 Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and
243 up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.
244 The General Secretary-Treasurer may reduce or waive the withdrawal reinstatement fee for a local
245 union, upon request. Deposit of withdrawal card for purpose of reinstatement may be made by
246 mail or by other method of delivery.

247 **SECTION 13—AFFILIATIONS**

248 **SEC. 13.** Subject to the provisions of Section 2(g) of Article Three (3) at points on a
249 railroad where not enough members are employed to maintain a railroad local union affiliated with
250 this Association, they shall belong to the nearest railroad local union affiliated with this
251 Association, or the nearest local union affiliated with their District Council.

SECTION 14—LOCAL CHAIRMAN

SEC. 14(a). Qualifications. Each local union may establish a position of local chairman who shall be a journeyman sheet metal worker. If such a position is established, the local chairman shall be elected by the local union in the same manner, at the same time and for the same term as local union officers, provided however, that in joint local unions a local chairman may be elected for each railroad or work location within the jurisdiction of such local union. Candidates for the position of local chairman shall possess the same qualifications as those prescribed in Section 4(b) of this Article.

SEC. 14(b). Duties. A local chairman shall represent the local union and the members thereof in matters pertaining to the application of the controlling agreement, conditions of employment, and shall supervise the conduct and activities of members in connection therewith; assist and cooperate with the officers of the local union and the members thereof in carrying out the provisions of this Constitution; use his or her best efforts at the local level to adjust and settle such controversies as may arise in connection with complaints of members, consistent with the rights of those involved, in accordance with the provisions of this Constitution and the policies of this Association. Subject to the provisions of Article Seven (7), Section 3(d), by virtue of his or her position and as part of his or her duties, a local chairman shall serve as a delegate of the local union to the General Convention of this Association except as provided by Article Twenty-One (21), Section 5, and the District Council convention provided that no local unions shall be entitled to more delegates than are provided for in Article Seven (7) of this Constitution or the District Council by-laws nor shall this Section be construed to require a local union to send more delegates than it desires to represent it.

The local chairman shall protect the work jurisdiction set forth in Section 5(aa) of Article One (1) of this Constitution and shall not enter into any agreements with representatives of other organizations involving work jurisdiction.

SEC. 14(c). Whenever a local chairman or officer retires, accepts an appointed job or is promoted to supervision or is furloughed for more than sixty (60) days, his or her position shall automatically become vacant and his or her successor shall be elected or appointed in accordance with the provisions of Section 8 of Article Twelve (12).

SEC. 14(d). Each local union shall exert every reasonable effort to encourage the participation of its local chairman in such training program as may be sponsored by this Association.

SEC. 14(e). Notwithstanding any other provision of Article Twenty-One (21) of this Constitution, in those instances where a District Council consists of only one (1) local union, the position of the local chairman shall be eliminated and the duties and obligations of that position described in Section 14(b) hereof in addition to those described in Sections 5 and 8 of this Article will be assumed by the general chairman of the District Council who shall be elected by the local union for the same term and in the same manner as other officers of the local union.

290

SECTION 15—LIMITATIONS

291 **SEC. 15.** The special rules specified in this Article shall apply only to railroad local unions
 292 and District Councils composed of members employed in the railroad industry and shall not apply
 293 to any other local union or council or the members thereof, and shall only apply to railroad local
 294 unions and District Councils and members thereof to the extent specified herein.

ARTICLE TWENTY-ONE B (21B) Transportation Division

ABOUT THIS ARTICLE

Following adjournment of the 2011 Quadrennial Convention, under the provisions of former Article 12, lines 33-40, the then-International President and Assistant President, with the unanimous consent of the UTU Board of Trustees, placed into effect a \$2.00 International dues increase to be applied to the General Fund, effective May 1, 2012. Thus, while line 2 of Article 12 reflects the action of the Delegates at the 2011 Quadrennial Convention raising the International dues to \$24.50 per month, effective May 1, 2012, International dues were increased to \$26.50 per month.

On December 11, 2012, Delegates voting by mail ballot adopted an amendment to former Article 12 to increase the Convention Fund by \$1.00, from \$2.00 to \$3.00, which became effective February 1, 2013. To accomplish this codification, this change is shown in **bold**.

Throughout this Article, text appearing in **bold** calls attention to items changed **to comport the Transportation Division Constitution (Article 21B) with the SMART Constitution in accordance with the Merger Agreement**. Text appearing in *italics* calls attention to items which will sunset at the August 2014 SMART Convention. Text in **bold and underlined** calls attention to the language that will supersede the language listed in *italics* after the 2014 Smart Convention, unless such language is changed by amendment.

SECTION 1 - NAME OF DIVISION

- 1 This **division** shall be known as the Transportation **Division of SMART** and shall consist of **the**
- 2 **Transportation Division** and a number of **Transportation Division** Locals.

SECTION 2 - TRANSPORTATION DIVISION OFFICERS, BOARDS AND MEMBERS

- 1 The **Transportation Division** shall consist of the following Officers, Boards and Members:
- 2 (A) Officers:
- 3 President **Transportation Division**
- 4 National Legislative Director
- 5 Alternate National Legislative Director

6 Seven (7) **Transportation Division** Vice President-**International**
7 **Representatives**

8 One (1) **Transportation Division** Vice President-**International Representative** shall be
9 from the Bus Department

10 Alternate **Transportation Division** Vice President-**International**
11 **Representatives:**

12 Six (6)

13 One (1) from the Bus Department from the Western Territory (West of the
14 Mississippi River)

15 One (1) from the Bus Department from the Eastern Territory (East of the
16 Mississippi River)

17 Vacancies occurring in positions not subject to attrition shall be filled as follows:

18 President **Transportation Division** – **By a 2/3 vote of the Board of Directors**

19 National Legislative Director – By the Alternate Legislative Director

20 Vice Presidents:

21 The Senior **Transportation Division** Alternate Vice President-**International**

22 **Representative** from the Bus Department shall fill a Bus Vice President-

23 **International Representative** vacancy.

24 Other **Transportation Division** Vice President-**International Representative** vacancies

25 by a 2/3 vote of the Board of Directors from amongst the Alternate Vice Presidents

26 other than those from the Bus Department.

27 Vacancies not otherwise provided for in this Article shall be filled by a 2/3 vote of the
28 Board of Directors.

29 **The President Transportation Division, National Legislative Director and the Four**
30 **Senior Transportation Division Vice President-International Representatives shall**
31 **also be General Vice Presidents.**

32 (B) Boards:

33 Board of Directors –

34 The Board of Directors shall consist of the President **Transportation Division**,
35 National Legislative Director, Seven (7) **Transportation Division Vice**
36 **President-International Representatives**, one of whom is elected from the Bus
37 Department.

38 Board of Appeals

39 (Members must hold seniority in one of the crafts under the jurisdiction of the
40 Board.)

41 Five (5) Members

42 One (1) from Engine Service

43 One (1) from Road Service (Train Service)

44 One (1) from Yard Service (Train Service)

45 One (1) from Commuter Authorities

46 One (1) from Bus Department

47 Executive Boards –

48 Five (5) members

49 One (1) Alternate to Executive Board

The Alternate to the Executive Board shall fill a vacancy occurring on the Board.

(B) Members:

One (1) Delegate from each Local for the Transportation Division Convention

(D) Attrition of Positions:

A position designated as attritable shall be eliminated when the present incumbent vacates the position for any reason.

(E) President Emeritus:

The Immediate Past President shall be President Emeritus.

(F) Members will vote for the following Officers and Boards:

President **Transportation Division**

National Legislative Director

Alternate National Legislative Director

Seven (7) **Transportation Division** Vice President-**International Representatives**, one of whom shall be from the Bus Department.

Alternate Vice Presidents –

Six (6)

Two (2) from the Bus Department

Board of Appeals

Executive Board

SECTION 3 - TRANSPORTATION DIVISION LOCATION

The **Transportation Division** is located in the Cleveland, Ohio area except that the **division or functions thereof** may be located **elsewhere**, if the **General President**, subject to **approval of the General Executive Council**, determines such action is necessary.

SECTION 4 - REMOVED

See Article Five

SECTION 5 - DELEGATES

Each Local shall elect a Delegate and an Alternate Delegate to the **Transportation Division**, during the year preceding the **quinquennial** convention, from the members of each Local who have not voluntarily elected to receive a rebate of dues from any department. **The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.**

In the event the Delegate is unable to attend the convention, it will be the duty of the Alternate Delegate to attend and represent the Local.

If the office of Delegate becomes vacant for any reason, the Alternate Delegate will succeed to that office and the Local will elect another Alternate Delegate.

The **General Secretary-Treasurer** shall furnish each Local in good standing with a credential form which shall be signed by the President and Secretary of the Local. The credential shall bear the seal of the Local and be furnished to the Delegate, which shall be authorization to represent the Local at the convention of the **Transportation Division**.

Delegates to the **Transportation Division Convention** shall receive **Transportation Division Vice President-International Representative's** daily rate of pay for their services and per diem at the maximum rate allowed by the Internal Revenue Service for the locality of the convention site, commencing on the travel day prior to the opening day of the convention, the session day(s), and a travel day **following** the convention.

Each Delegate shall receive a travel expense allowance at the maximum automobile mileage rate set by the Internal Revenue Service from the city in which his/her Local is located to the convention city and return by the most direct route, and based on official Rand McNally Road Atlas mileage tables.

If a Delegate is absent at roll call or when the yeas and nays are called on any subject, no pay shall be received for that day unless excused by the convention.

A Delegate who becomes ill while attending a convention will, provided evidence of illness is reported to the convention, receive pay as though present.

A full time General Chairperson, Legislative Director or Representative, or other committee member or officer, who serves as Delegate to the **Transportation Division** convention or some other position of the **Transportation Division**, will be paid the salary and expense allowance established for the position he/she is filling or his/her regular salary and expense allowance, whichever is the greater. If, under this arrangement, he/she receives his/her regular salary and expense allowance, the salary and expense allowance he/she would otherwise have received as Delegate will be credited to the fund from which his/her regular salary and expense allowance is paid.

SMART delegate compensation shall be handled in accordance with Article Seven (7).

The **President Transportation Division** shall have printed in the **Transportation Division** directory the name, address, Local number and title, if any, of each Delegate and Alternate Delegate. Directories will be mailed to each Delegate and Alternate Delegate no later than one hundred and twenty (120) days prior to the **Transportation Division** convention.

SECTION 6 - TRANSPORTATION DIVISION CONVENTION

The **Transportation Division** shall convene in regular session **quinquennially** beginning in **2014, immediately preceding the SMART Convention** and such regular session will not exceed **five (5)** consecutive calendar days – **three (3)** session days and two (2) travel days.

SMART has jurisdiction over all subordinate bodies and all subjects pertaining to the **Transportation Division**, except as provided in **Section 80**.

A majority of all Delegates in attendance at the **Transportation Division** Convention shall constitute a quorum for the transaction of business.

*The Board of Directors shall appoint, from among the Delegates, a **Transportation Division Constitution Committee** consisting of not less than one (1) member from each craft represented by the **Transportation Division**.*

The President **Transportation Division** shall appoint a Committee on Officers' Reports (listed in Section 2(A)) consisting of not less than one (1) member from each craft represented by the Transportation **Division** and such other committees, guards, etc., as may be necessary, to assist during the **Transportation Division** Convention.

Officers and Delegates of the **Transportation Division** will be furnished official badges at the beginning of the **Transportation Division** convention. **Official badges for the SMART Convention will be handled in accordance with Article Seven (7).**

SECTION 7 - ELIGIBILITY FOR TRANSPORTATION DIVISION OFFICE

Unless otherwise provided, any member paying full dues shall be eligible for election to any office in the Transportation **Division**, except a member who:

- (a) Has attained age 65 or attains age 65 during the year of election;
- (b) Holds membership in any other union representing transportation employees, other fields of employment, trades and industries, whether in public or private employment, except when a member is forced by agreement to belong to another union;
- (c) Is serving in an official capacity with a transportation company, other fields of employment, trades and industries, whether in public or private employment, except as yardmaster where the Transportation **Division** hold the contract for yardmasters;
- (d) Does not hold seniority rights in transportation service, other fields of employment, trades and industries, whether in public or private employment where the Transportation **Division** holds the contract, except this does not apply when a member is dismissed from service and his case is being appealed;
- (e) Voluntarily elects to receive a rebate of dues from any department will not be eligible to hold office in that department and will not be eligible for the offices of Delegate or Alternate Delegate, Legislative Representative, or Alternate Legislative Representative;
- (f) Is restricted from holding office by Labor-Management Reporting and Disclosure Act;
- (g) Is an elected officer of the **Transportation Division**, listed in Section 2(A), shall not be eligible to the office of **Transportation Division** Delegate;
- (h) Is serving as a Local Officer and/or Local Committee of Adjustment Officer who serves on a part-time basis need only be members in good standing to retain their office.

SECTION 8 - ELECTION AND INSTALLATION OF TRANSPORTATION DIVISION OFFICERS

Nominations for candidates shall be made from the floor by any Delegate. Seconds to nominations and nominating speeches will not be required.

Any candidate declining nomination shall do so before nominations are closed. The presiding officer shall twice call for withdrawals before accepting a motion to close nominations.

Officers shall be elected by a secret ballot during each regular convention of the **Transportation Division**.

Officers elected by a convention will be obligated and installed during the convention session. Officers who succeed to office under the provisions of this Constitution or are appointed by the Board of Directors between conventions will be installed, by the **General** President or his/her designated representative, before assuming office. The obligation shall be the same as that provided for officers of a Local.

SECTION 9 - TERM OF OFFICE

Officers elected at the **Transportation Division** convention shall assume their offices on **October** 1 following their election and shall hold such office until **October** 1 following the adjournment of the next **quinquennial** convention, subject to the provisions of the Constitution.

SECTION 10 - REPORTS OF OFFICERS

Vice President-**International Representatives** and the National Legislative Director shall make a report to the President **Transportation Division** at the conclusion of each assignment.

All Officers and Boards of the **Transportation Division** shall submit a report to the President **Transportation Division** of their official acts and expenses incurred during each year. These reports will be mailed to the Delegates **prior to the Convention**.

SECTION 11 – DELETED IN ITS ENTIRETY

SECTION 12 - TRANSPORTATION DIVISION DUES AND ASSESSMENTS

The funds of the **Transportation Division** shall be acquired by assessments of dues in the amount of \$25.50 per month on all members employed in transportation service, other fields of employment, trades, and industries, whether public or private employers.

Transportation Division dues will be apportioned to the various funds of the **Transportation Division** as follows:

Convention Fund	\$ 3.00
General Fund	19.50
Maintenance of Membership Fund	1.00
Public Relations Fund	.25
Strike Fund	.75
Education and Training Fund	1.00

Requests for reduced **Transportation Division** dues must be presented to the Board of Directors for consideration and subsequent referral to the General President with a recommendation. Upon the Board of Directors' recommendation, the General President, with the approval of the General Executive Council, may grant a reduction of monthly

Transportation Division dues in situations where special circumstances exist. Approved reductions shall be subject to review on an annual basis.

All receipts for charter fees, Local supplies, official publications, and other sources not otherwise provided for shall be placed in the General Fund.

Except as otherwise provided in **Article 21B**, all disbursements for expenses incidental to conducting the business of the **Transportation Division** shall be paid from the General Fund. Expenses in connection with conventions, public relation activities, strikes and maintenance of membership shall be paid from the funds created for such purposes. There shall be no transfer of funds from one account to another except upon approval by a majority vote of the Board of Directors and **General Executive Council**.

The President **Transportation Division**, in conjunction with a majority of **both** the Board of **Directors and General Executive Council**, may increase the assessments as may be necessary for the protection of the members and the **Transportation Division**, provided that such increases shall not exceed \$2.00 per month and shall be used solely for the purpose for which levied. The effective date of any increase of assessments of dues must coincide with the requirements of any check-off Union Dues Agreement in effect.

Fund Trustees shall also be empowered to make agreements with vendors to provide members with disability insurance coverage or other benefits through the **Transportation Division**, at the members' cost, on an opt-out basis.

The President **Transportation Division** and **General Secretary-Treasurer** shall be equally responsible for the disbursements of funds.

SECTION 13 - AMENDING ARTICLE 21B

*Proposed amendments to Article 21B may be submitted by any subordinate body or a **Transportation Division** Officer listed in Section 2(A) at any time prior to one hundred and twenty (120) days before the **Transportation Division** convention begins.*

*All proposed amendments shall be submitted in writing to the **General Secretary-Treasurer and President Transportation Division** to be referred to the **Transportation Division** Constitution Committee. Each proposal shall be submitted separately, typewritten, on standard paper, be properly identified, with a clear and concise explanation given of the **Section** to be amended.*

*The **Transportation Division** Constitution Committee shall be convened at the **Transportation Division** location during the year in which the convention is to be held for the purpose of considering all proposed amendments. The Committee shall prepare a report which shall include all amendments referred to it for consideration. A copy of its report shall be submitted to each Delegate, subordinate body, and officer listed in Section 2(A) at least thirty (30) days prior to the **Transportation Division** convention. The **Transportation Division** Constitution Committee shall report to the **SMART Constitution Committee** all amendments with recommendation of concurrence or non-concurrence in accordance with Article 33. The **Transportation Division** Constitution Committee shall not be empowered to make any proposals to the **Transportation Division** Delegates that are not presented to the Committee in accordance with this Section.*

*A majority vote of the Delegates present shall be necessary to **recommend** amendments.*

SECTION 14 – REMOVED

See Article Seven (7), Section 14.

SECTION 15 - BONDING OF TRANSPORTATION DIVISION OFFICERS AND EMPLOYEES

1 The **President Transportation Division** in concurrence with the **General Secretary-**
 2 **Treasurer** shall arrange for the bonding of **Transportation Division** officers and employees. The
 3 **President Transportation Division** shall be bonded for not less than \$500,000.00; all other officers
 4 and employees, if required, shall be bonded for not less than \$25,000.00 each, all payable to the
 5 **International Association of Sheet Metal, Air, Rail and Transportation Workers**.

SECTION 16 - PRESIDENT TRANSPORTATION DIVISION

1 The **President Transportation Division** shall be the executive head of the
 2 **Transportation Division**, exercise general supervision over its affairs and interests, including all
 3 **Transportation Division** subordinate bodies and shall preside at all sessions of the
 4 **Transportation Division** conventions.

5 The **President Transportation Division** may employ sufficient personnel and such other
 6 assistance as necessary to properly conduct the business and affairs of the **Transportation**
 7 **Division**. The **President Transportation Division** would need approval of the **General**
 8 **Executive Council** whenever the **General President** needs approval, but the **General**
 9 **Executive Council** cannot withhold approval from the **President Transportation Division**
 10 **request except upon grounds that it would apply equally to a request from the General**
 11 **President**.

12 The **President Transportation Division** shall interpret **Article 21B**, decide all questions
 13 arising therefrom, and decide all other controversies not provided for under **this Article**, subject
 14 to appeal to the Board of Directors.

15 The **President Transportation Division** shall, no later than January 31st of each calendar
 16 year, prepare an **operational budget for the Transportation Division by department**, which
 17 shall include an annual budget for each fund authorized by the delegates under the provisions of
 18 **Section 12. This budget, which shall be reviewed and approved by the Board of Directors,**
 19 **will be submitted to the SMART Finance Committee, with final approval by the General**
 20 **Executive Council**.

21 Upon approval by the **General Executive Council**, the annual budget will be published
 22 in the **SMART Transportation Division** News not later than the May edition. In the event a
 23 budget has not been approved by May 1st the **President Transportation Division** will proceed
 24 to authorize the printing of the budget as proposed.

25 The **General Secretary-Treasurer** shall furnish the General Chairperson, State and
 26 District Legislative Director a copy of the current billing of each Local under their jurisdiction
 27 once each quarter.

28 The President **Transportation Division** shall perform all duties and responsibilities
 29 assigned under **Article 21B** and such other duties and responsibilities as may be necessary for
 30 the proper conduct of the affairs of the **Transportation Division** and the accomplishment of its
 31 objectives.

SECTION 17 - REMOVED

SECTION 18 - DUTIES OF THE VICE PRESIDENTS-INTERNATIONAL REPRESENTATIVES

The Vice President-**International Representatives** shall perform such duties as may be assigned by the President **Transportation Division**, or as may be required by **Article 21B**.

Vice President-**International Representatives** shall be assigned a location, and with the approval of the President **Transportation Division, and General President and/or General Executive Council where required**, may be permitted to provide office **space** and employ such assistance as may be necessary. The office rent, authorized assistance, telephone service, and supplies to be paid from the General Fund.

SECTION 19 – REMOVED

See Article 3 and Article 21B, Section 16

SECTION 20 - ASSOCIATION OF STATE LEGISLATIVE DIRECTORS

1 The Legislative Director of each State and the District of Columbia shall form the
 2 Association of State Legislative Directors for the purpose of coordinating concerted efforts for
 3 securing the enactment of laws and regulations, or the repeal or modification of laws and regulations
 4 to ensure the protection and welfare of the members **SMART**, to exchange information regarding
 5 political and legislative activities affecting Transportation **Division** members and to recommend a
 6 legislative agenda for the Transportation **Division**.

7 The President **Transportation Division** will convene the Association during the year 1996,
 8 and quadrennially thereafter. State Legislative Directors shall be members of the Association and
 9 shall represent their State Legislative Boards at each meeting with salaries and proper expenses to
 10 be paid from the General Fund.

11 The Officers of the Association shall be a Chairperson, Vice Chairperson, Secretary and
 12 Treasurer to be elected by secret ballot during the 1996 meeting and quadrennially thereafter.

13 Bylaws consistent with the provisions of this constitution will be adopted at the 1996
 14 meeting.

15 A majority of Association Members shall constitute a quorum.

SECTION 21 - DUTIES OF NATIONAL LEGISLATIVE DIRECTOR

(a) The National Legislative Director shall devote his/her efforts to secure the enactment, modification, or repeal of laws in accordance with the legislative policy of the organization. He/she shall handle all legislative matters referred to him/her by the President **Transportation Division**. He/she shall collect and compile statistics on legislation affecting the organization, which shall be included in his/her report to the convention. Copies of this report shall be furnished to State Legislative Boards and to members on request.

The National Legislative Director shall handle with the proper agents of the Federal Government all alleged violations of Federal law, as brought to his/her attention, which involve the safety and welfare of our membership covered by such law. He/she will, when authorized by the President **Transportation Division**, represent the **Transportation Division** and/or the President **Transportation Division** before Federal agencies and Congressional Committees, and in such other capacities as the President **Transportation Division** may direct.

The National Legislative Director shall keep the President **Transportation Division** advised on all bills and hearings before the Congress and other Federal agencies, which affect the interest of the organization. He/she shall furnish the President **Transportation Division** copies of all bills introduced to the Congress which may affect the organization, and such information as will enable the President **Transportation Division** to determine legislative policy on such matters **as may affect the Transportation Division** in accordance with the law of the organization. He/she shall compile a voting record of the members of Congress on legislation affecting the interests of labor. Such voting record shall be furnished the President **Transportation Division**, State, and District of Columbia Legislative Boards, prior to each election and/or after the adjournment of Congress. He/she shall submit recommendations to the President **Transportation Division** for candidates for Congress, based on voting records and other information concerning each candidate. **The General President and President Transportation Division shall then confer on the selection of candidates.** If there are differences of opinion between the National Legislative Director and a State or District of Columbia Legislative Board, such differences shall be submitted to the President **Transportation Division**, whose decision shall be final.

Headquarters for the United States National Legislative Department shall be maintained in Washington, D.C. The Legislative Director shall remain at the Capitol during sessions of the Congress and such other times as may be necessary to discharge his/her duties, unless otherwise instructed by the President **Transportation Division**. The Legislative Director may employ sufficient personnel and such assistants as necessary to properly conduct the business of the department, subject to the approval of the President **Transportation Division**.

SECTION 22 - REMOVED

The duties formally enumerated in this Section are covered under Article Five (5) General Secretary-Treasurer, Article Six (6) General Executive Council, Section 3, Article Seventeen (17), Article Eighteen (18) and Article 21B, Section 15.

SECTION 23 - DUTIES OF THE BOARD OF DIRECTORS

1 The Board of Directors shall meet on the first Tuesday in the months of April and October,
2 and on call of the President **Transportation Division**, to consider all matters coming before it.

3 In circumstances in which an International officer is temporarily unable to perform the duties
4 of his/her office due to illness or absence, the Board of Directors may designate an officer who will
5 assume the duties of the ill or absent officer until he/she is in position to resume the duties of his/her
6 office.

7 A majority of the Board of Directors shall decide matters coming before the Board, except
8 as otherwise provided in **Article 21B**. Members of the Board of Directors must attend and
9 participate in all Board meetings, unless prevented by illness or emergency.

10 A member of the Board of Directors will not be permitted to participate in the Board's
11 consideration of, or decision on, appeals taken from his/her actions or decisions. Board members
12 will vote on all decisions and actions taken by the Board and will not be allowed to abstain from
13 voting, except as stated herein above concerning his/her actions or decisions. The Annual Report
14 shall show how each Member of the Board of Directors voted on all appeals brought pursuant to
15 **Section 75 II** immediately following the decision.

16 Unification, affiliation, or merger with another labor union **shall be governed by Article Three**
17 **(3), Section 1.**

SECTION 24 - EXECUTIVE BOARD

1 The Executive Board, immediately after its election, shall meet and elect a Chairperson and
2 a Secretary. The Board shall promptly investigate charges preferred against **Transportation**
3 **Division officers listed in Section 2, other than General Officers who shall be covered under**
4 **the provisions of Article Two (2), Section 14**, as provided in **Section 25**.

5 The Board shall file with the **General Secretary-Treasurer** a copy of all evidence
6 considered by it and shall present a report of all charges considered, together with its verdict to the
7 **quinquennial Transportation Division Convention**.

8 The Board shall not consider any charge which is presently pending, has been previously
9 considered, or can properly be made the basis of appeal to the Board of Directors, Board of Appeals,
10 or the **Transportation Division Convention**.

11 When charges are preferred, said charges come under the purview of the Executive Board
12 to determine the Board's jurisdiction. After the Executive Board has determined that a charge is
13 under its jurisdiction, no other Board or Officer can interfere with the proceedings of the Executive
14 Board.

SECTION 25 - CHARGES AND TRIALS OF TRANSPORTATION DIVISION OFFICERS

1 Charges may be preferred against **Transportation Division officers listed in Section 2,**
2 **other than General Officers who shall be covered under the provisions of Article Two (2),**
3 **Section 14**, for failure to perform their duties and fulfill their responsibilities in accordance with

4 their obligation of office and as required by this Constitution. Any officer against whom charges
5 have been preferred shall receive a fair and impartial trial.

6 Charges must be submitted in writing and sent by certified mail to the Chairperson of the
7 Executive Board and signed by the member preferring the charges. Said member shall forward a
8 copy of the charges by certified mail to the accused.

9 Charges shall clearly specify the alleged offense(s) together with the article(s) of this
10 Constitution and/or those obligations and responsibilities which it is alleged have been violated.

11 The Chairperson must forward a copy of the charges by certified mail to the accused and
12 other members of the Board. The accused has ten (10) days from the date of said mailing to respond
13 to the charges. The response must be in writing and forwarded by certified mail to the Chairperson
14 and the member preferring the charges.

15 If a majority of the Board considers the evidence submitted sufficient to proceed, the
16 Chairperson shall set a date and time for trial to be held and notify the parties. The Chairperson shall
17 give the accused and the member preferring the charges not less than fifteen (15) days notice prior
18 to the convening of the Executive Board to try the accused.

19 The Board shall convene at the **Transportation Division** location on the date appointed and
20 proceed to try the accused. Each party to a trial shall have the privilege of designating any person,
21 except a Board Member or a party involved in the charges or proceedings, to act as his/her counselor
22 or representative in the trial proceedings.

23 Ten (10) days before trial, the member preferring the charges and the accused shall forward
24 by certified mail to the Chairperson of the Board and to the opposing party a list of names of
25 witnesses which they intend to call at the trial in support, or defense, of the charges. The member
26 preferring charges, either in person or through his/her counsel or representative, shall act as
27 prosecutor in the case.

28 Should the accused fail to appear for trial after notice as prescribed in the foregoing, should
29 he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by this
30 Constitution or the Board, or should he/she engage in conduct designed to obstruct his/her trial, the
31 Board shall proceed to conduct the trial in his/her absence. The accused, the member preferring
32 charges, their counsel or representative(s), or any witnesses who are guilty of misconduct before
33 the Board shall be excluded thereafter from the trial proceedings, and the trial shall continue in their
34 absence.

35 The Board shall arrange for a transcript of the trial proceedings. A copy of the transcript
36 shall be furnished to each party without cost.

37 In all trials, the testimony of witnesses shall be taken orally in front of the members of the
38 Board. Both parties to the trial shall be given full opportunity to present any witnesses and all
39 relevant evidence and exhibits which they deem necessary to a proper presentation of their case.
40 They shall also be entitled to cross-examine witnesses of the other party. The Board may, on its
41 own, request such witnesses and documents as it deems necessary.

42 Should a witness be unable to attend any trial session of the Board, because of age, sickness,
43 infirmity or for other good cause shown, the evidence of such witnesses may be taken in deposition
44 form before a notary public or other civil officer authorized to administer oaths. Said deposition
45 shall be admissible evidence to the extent it would be at the trial proceedings, provided the adverse
46 party, his/her counsel or representative is given the opportunity of being present and cross-
47 examining the witness when the deposition is taken.

Before giving testimony, any witnesses who are members of **SMART** shall be required to make the following affirmation:

“Do you solemnly affirm upon your honor as a member of **SMART** that the evidence to be given by you in this case shall be the truth and nothing but the truth?”

Any witness who is not a member of **SMART**, shall take an oath or solemn affirmation to testify truthfully.

All persons shall be excluded from trial sessions except members of the Trial Board, parties to the trial and their counsel or representative, the witness who is testifying, and the reporter or person transcribing the testimony.

After all evidence has been presented and arguments made by all parties or their counsel, the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session for consideration of its decision.

The Board shall render its decision in writing within thirty (30) days following the date upon which the trial was concluded. If the accused is found not guilty, he/she shall be exonerated.

If the accused is found guilty, the Board shall fix the penalty to be assessed which shall be censure, suspension, or removal from office. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed. Such decision and penalty shall be final and binding unless reversed upon appeal as provided in **Section 26**.

The Board shall forward copies of its decision by certified mail to the accused and the party preferring charges. Copies shall also be mailed to the **General President**, President **Transportation Division**, **General Secretary-Treasurer** and all **Transportation Division** Locals.

SECTION 26 - APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD

An officer censured, suspended, or removed by the Executive Board may appeal to the **Transportation Division** Convention by submitting his/her appeal in writing to the Chairperson of the Executive Board, with a copy to the **General Secretary-Treasurer**, at least thirty (30) days prior to the opening of the convention. If the decision being appealed is rendered less than thirty (30) days prior to the opening of the convention, the appellant may appeal his/her case to the convention provided he/she notifies the Board and the **General Secretary-Treasurer** of his/her intention to appeal within twenty-four (24) hours after having been notified of the Board's decision.

The appeal shall be presented to the **Transportation Division** Convention by the appellant, or his/her counsel, together with any new evidence developed. The appellant, or his/her counsel, and the Board shall submit their arguments. The questions shall then be put, “Shall the decision of the Board be sustained?” The vote shall be taken on this question without debate. A majority vote in favor of the question shall sustain the decision of the Executive Board. A majority vote against the question shall reverse the decision of the Executive Board.

An officer who is removed from office may not again serve in any office of the **SMART Transportation Division** except upon the approval of the Board of Directors.

SECTION 27 - BOARD OF APPEALS

1 Immediately after their election, the members of the Board of Appeals shall meet and elect a
2 Chairperson and Secretary. The Secretary shall keep a correct record of the proceedings of the
3 Board. A record shall be taken of all oral testimony for the use of the Board in making its final
4 decisions.

5 The Board of Appeals shall meet semiannually, on the second Monday of January and July,
6 and at such other times as may be necessary, at the **Transportation Division** locations, to consider
7 and determine all appeals submitted under the provisions of **Article 21B**. A majority of a Board
8 shall decide all appeals coming before that Board. It shall have no authority to consider and
9 determine any other matter, nor to refer any case to any other tribunal of the organization for a
10 decision except questions arising as to the application of organization law **under Article 21B** shall
11 be referred to the President **Transportation Division**.

12 The Board shall give a clear and concise report of each appeal properly submitted to it. Such
13 report shall consist of a statement of all material facts involved in the appeal, the contentions of the
14 parties and the decision of the Board, stating the reasons upon which the decision is based. All
15 decisions shall be released by the Board without delay.

16 In an appeal involving a Board member's Local, such Board member must disqualify
17 himself/herself and be excused by the Chairperson of the Board. The original decision shall be
18 signed by each member of the Board participating and, following each signature, the word "for" or
19 "against" shall be written indicating his/her vote on the matter. Copies of all decisions shall contain
20 the names of the Board members participating. Decisions of the Board of Appeals shall be final and
21 binding and shall not be appealable to the convention.

22 The Board shall, at the conclusion of each meeting, submit a report properly authenticated
23 to all interested subordinate bodies and **Transportation Division Officers**.

24 A member of the Board of Appeals shall not represent the **Transportation Division** in any
25 other capacity while serving as a member of the Board.

SECTION 28 - OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN MADE IN ACCORDANCE WITH THIS CONSTITUTION

1 No officer, member, or subordinate body of the Transportation **Division** shall resort to the
2 civil courts to correct or redress any alleged grievance or wrong, or to secure any alleged rights
3 from or against any officer, member, subordinate body, or the Transportation **Division** until such
4 officer, member, or subordinate body shall have first exhausted all remedy by appeal provided in
5 this Constitution for the settlement and disposition of any such rights, grievances, or wrongs.

6 Any officer, member, or subordinate body of the Transportation **Division** violating the
7 provisions of this **Section** shall be subject to charges and trials as provided by **Article 21B**.

SECTION 29 - COMPENSATION AND VACATION BENEFITS OF TRANSPORTATION DIVISION OFFICERS, BOARD MEMBERS AND STAFF

MEMBERS WHO HOLD SENIORITY IN A CRAFT ON A PROPERTY WHERE SMART HOLDS REPRESENTATION RIGHTS

Adjustments in salaries of **Transportation Division** officers, Board members and Staff members will be made in the same proportion as increases or decreases in wages received by employees represented by the **Transportation Division, subject to final budget approval.**

All officers, Board members and Staff members, devoting full time to the service of the **Transportation Division**, shall receive their salary in equal payments bi-weekly.

Members of the Board of Appeals, Executive Board, and other appointed committees shall receive their salary not less frequently than bi-weekly while in session, or when the work for which they have been assembled is completed.

Transportation Division officers, Board members, and Staff members, and representatives devoting full time to the service of the **Transportation Division** will be entitled to the same vacation benefits for which they would have qualified with their carrier under the National Vacation Agreement. The method of handling vacations shall be determined by the President **Transportation Division.**

When a member serving the **Transportation Division** on a part-time basis suffers a loss of earnings from his/her carrier resulting in a reduction or loss of his/her vacation pay from the carrier, he/she shall receive from the department of the **Transportation Division** in which he served the amount of vacation pay lost as result of his/her services with the **Transportation Division.**

SECTION 30 - FISCAL YEAR

The fiscal year of the **Transportation Division** and all its subordinate bodies shall begin on the 1st day of January and end on the 31st day of December of the same year.

SECTION 31 - RETIREMENT OF OFFICERS AND EMPLOYEES

All officers and employees of the **Transportation Division** shall be retired from the service of the **Transportation Division** on the last day of the year in which they attain age seventy (70).

SECTION 32 - PRINTING AND SUPPLIES

The President **Transportation Division** and the **General Secretary-Treasurer** shall jointly receive bids and award contracts for printing International and Local supplies, and other necessary printing. *The printing of Local supplies shall be under the supervision of the General Secretary-Treasurer.* All forms provided by such Locals must be submitted to the **General Secretary-Treasurer** for his/her approval before being printed.

All supplies shall be furnished Locals at cost by the **General Secretary-Treasurer** and must bear the imprint of the **SMART** seal.

All printed matter purchased by the **Transportation Division** shall bear the union label.

SECTION 33 - OFFICIAL PUBLICATIONS

Official print publications and all electronic media, web, communications shall be issued regularly by the Transportation **Division** which shall be under the business management of the President **Transportation Division**. The President **Transportation Division** shall be Editor-in-Chief and employ such editorial and other assistance as necessary. The publications shall be furnished to all active members of the Transportation **Division** and to widows and retired members who make requests for the print publications, and or electronic media, web, communications, provided they keep the **Transportation Division** advised as to their correct address. All money for subscriptions shall be paid and credited to the General Fund of the International.

The expense of maintaining the publications shall be paid from the General Fund of the International and the amount paid pro-rated quarterly against the various funds of the International on a percentage basis **established** by the President **Transportation Division**. **All of the above is in coordination with the General Secretary-Treasurer.**

SECTION 34 - ENDORSEMENT OF SOUVENIRS, ETC.

The **Transportation Division** or Locals shall not endorse articles of merchandise. Locals shall not sell or grant to any person the right to solicit advertisements or issue souvenirs or like objects in the name of **SMART and/or the SMART Transportation Division**.

Locals, subject to prior approval of the President **Transportation Division**, may issue advertising, programs, time books, or other publications of general interest in the name of the Transportation **Division** for Local purposes, when properly authorized by the Local(s) interested, providing the net proceeds therefrom go to the Locals making such authorization.

Where two (2) or more Locals are located in the same city or sub-section in which such publications are to be issued, all Locals will be given an opportunity to participate in the project.

All of the above is in coordination with the General Secretary-Treasurer.

SECTION 35 - ORDER OF BUSINESS OF THE TRANSPORTATION DIVISION CONVENTION

1. Call to order
2. Invocation
3. Roll call of officers
4. Report of Credentials Committee
5. Action on previous day's minutes
6. Communications
7. Reports of officers
8. Reports of committees
9. Unfinished business
10. New business
11. Nominations and elections of officers
12. Installation of officers
13. Closing

SECTION 36 - RULES OF ORDER, TRANSPORTATION DIVISION CONVENTION

The rules of order for conventions of the **Transportation Division** shall be Robert's Rules of Order, Revised, except as otherwise provided in the following rules:

1. These rules may be amended at any regular meeting of the **Transportation Division** by a majority vote of the Delegates present.

2. The daily sessions of the convention shall begin at 9:00 a.m. and adjourn at 2:00 p.m. Evening sessions may be called by a majority vote of the Delegates to begin at 8:00 p.m. Instead of a roll call, appropriate checks shall be collected from the Delegates as a means of recording attendance.

3. The convention shall meet daily excepting Saturdays, Sundays, and legal holidays and, for parliamentary purposes, shall be considered to be in continuous session until adjourned on the last day.

4. The **President Transportation Division** shall supply each Officer and Delegate with a list of Delegates and standing committees. Proceedings of each day's meeting shall be printed and shall be distributed the following morning.

5. Officers and Delegates shall be admitted upon display of their identification badge and will take their seats without ceremony.

6. No person except Officers and Delegates of the International shall be admitted to the floor reserved for Delegates. Other officers and members of **SMART** may attend the convention as visitors on presentation of a receipt for current dues or membership card.

7. The **President Transportation Division**, or in his/her absence, a **Vice President-International Representative designated by the President Transportation Division**, shall preside. He/she may speak to points of order in preference to other Officers and Delegates. He/she shall decide points of order without debate, subject to appeal by five (5) or more Delegates. No Delegate may speak more than once on such appeal.

8. No main motion shall be debated until it has been scheduled and stated by the presiding officer who may require the motion to be put in writing before it is stated.

9. While in the Committee of the Whole, a Delegate may speak but once on any subject or motion. The maker of a motion may close debate but will not be permitted to speak in excess of five (5) minutes in the exercise of this right.

10. After a question has been decided, any two (2) Delegates who voted with the majority may, at any time during the session, move to reconsider the question. No debate will be permitted on such motions. Should the motion to reconsider be carried, the question at issue may then be debated in the same manner as a new motion.

11. When a question is put, every Delegate in the assembly must vote on it unless excused by a majority vote of the Delegates.

12. Except as provided in **Section 6**, **members of** each committee will be appointed by the **President Transportation Division**. The person named first on a committee shall be the chairperson.

13. A yea and nay vote will be taken on any question when called for by one-third of the Delegates present.

14. The convention is prohibited from considering proposed constitutional amendments not previously presented to the Constitution Committee.

15. All constitutional changes recommended by the *Transportation Division* Constitution Committee and all such proposals printed and distributed to Officers and Delegates will show the current constitutional provision and the proposed change printed on the same sheet in a manner which will permit easy and accurate comparison. Portions of the Constitution which are not involved in amendment proposals will not be read during sessions of the Committee of the Whole and such portions will, therefore, be identified and passed upon by making appropriate references to their number and/or title.

16. Affirmative action by the Committee of the Whole in rescinding a former action is not subject to a motion to reconsider. If the motion to rescind in a case of this kind fails to carry, a motion to reconsider would be proper but the matter can be acted upon but once.

17. During debate, the presiding officer will recognize the Delegate first in line before each microphone in series beginning with microphone No. 1, and continuing through the number of microphones on the floor before again recognizing microphone No. 1. Recognition shall be alternated between proponents and opponents on all questions, odd number microphones for proponents, and even numbers for opponents. When a Delegate wishes to speak he/she shall proceed to one of the microphones. When recognized by the presiding officer, the Delegate shall give his/her name and Local number. He/she shall confine remarks to the pending question.

18. If the report of a committee is adopted, the report **shall be recorded as concurrence** by the convention. If the report fails of adoption, it **shall be recorded as non-concurrence**. **The full report of the committee showing concurrence or non-concurrence on each amendment shall be forwarded to the SMART Constitution Committee for their consideration.**

19. The report of the Committee on **Transportation Division** Officers' Reports will be distributed to Delegates on the first day of the convention. The report will be considered, without reading, as a special order of business on the **final** day of the convention.

20. Documents of interest to the convention shall be printed in the minutes without being read to the convention. This includes resolutions and other matters which direct themselves to appropriate committees for consideration prior to being brought to the floor of the convention.

21. Reports of the Sick Committee will be printed in each day's minutes.

22. The daily sessions of the convention may be opened with a prayer by a member of the clergy or, in the absence of same, by a Delegate.

23. The **General Secretary-Treasurer** may advance travel allowances and per diem payments to Delegates upon request without approval of the convention.

24. While in the Committee of the Whole, a motion to stop debate shall apply only to the specific subject then under debate.

25. Election of **Transportation Division** officers will commence not later than the first order of business on the **second day** of the convention.

When electing **Transportation Division** officers, the following rules will apply: Where an individual officer or position is involved, and no candidate receives a majority of legal votes cast on the first ballot, and there are more than three (3) candidates on the ballot, all candidates except the top three (3) will be dropped. Thereafter, the candidates receiving the lowest number of votes will be dropped on each ballot, until one of the candidates receives a majority of legal votes cast. In placing the names of candidates on ballots or voting machines, the names of incumbent officers shall appear first, with the names of other candidates following in alphabetical order. When elections are run simultaneously no member may be a candidate for more than one office or position.

In addition to the foregoing, the following procedure will govern the election of **Transportation Division** officers:

After the election of the President **Transportation Division**, the National Legislative Director will be elected. Nominations will be accepted for Vice Presidential-**International Representative** positions 1 through 7, until there are four contested positions after which an election shall be conducted. In other words, it is contemplated that contested Vice President-**International Representative** positions will be elected simultaneously in groups of four, until all Vice President-**International Representative** positions are filled. **From among the elected Vice President-International Representatives, an election will be held to select the successor to the President Transportation Division in the event a vacancy occurs between Conventions.**

The Alternate National Legislative Director shall be elected next. Alternate Vice President-**International Representative** shall be elected as follows – the Alternate Bus Vice President-**International Representative** in the Eastern Territory and the Alternate Vice President-**International Representative** in the Western Territory shall be elected simultaneously. The remaining six (6) Alternate Vice Presidents, positions 1 through 6, shall be elected simultaneously.

The Board of Appeals will be elected next – (Five members). One (1) member from engine service, position one; one (1) member from road train service, position two; one (1) member from yard train service, position three; one (1) member from Commuter Authorities; position four; and one (1) member from the Bus Department, position five. Executive Board – (Five members). Members will be elected simultaneously.

Alternate to the Executive Board – One (1) Alternate to the Executive Board to be elected.

26. When an election for a particular office or board is commenced, the same must be completed before the convention adjourns for the day.

27. **Transportation Division** officers listed in **Section 2 (A)** may speak but shall have no vote in **Transportation Division** Convention.

SECTION 37 - PRINTING AND DISTRIBUTION OF CONSTITUTION

Copies of the **SMART** Constitution shall be furnished to all members of the **Transportation Division**. The most current **SMART** Constitution shall be made available to all members via electronic media, the **SMART** web page.

SECTION 38 - SAVING CLAUSE

The President **Transportation Division**, with the approval of the Board of Directors and **jointly with the General President**, may take such action as may be deemed necessary to meet situations not covered in **Article 21B** in order to protect the interest of the membership and the **Transportation Division**.

See Article Thirty-Four (34), Section 1 as though contained herein.

SECTION 39 - LOCALS

Employees in transportation service, other fields of employment, trades and industries, whether public or private employees, desiring to organize a Local shall **request an official application from the General Secretary-Treasurer**. The application must be accompanied by a fee of \$50.00 to cover the cost of necessary supplies for the Local. **Upon receipt, the General Secretary-Treasurer will forward the application to the President Transportation Division for his review and recommendation to the General President.**

Should the application be favorably considered by the **General President**, the General Secretary-Treasurer shall issue a charter, properly signed under official seal, and forward to the person designated. **Upon notification by the General President, the President Transportation Division** will direct an officer of the **Transportation Division** to organize the Local and install the elected officers in accordance with this Constitution.

Bylaws for their special government, which do not conflict with this Constitution, shall be adopted, subject to the approval of the **General Secretary-Treasurer**.

The **General President** shall assign each Local a number and thereafter it shall be known as "**International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) Local Union No. ____.**"

SECTION 40 - JURISDICTION AND AUTHORITY

The jurisdiction of Locals shall be that which existed on the date of unification. **Changes** in jurisdiction may be **recommended** by the President **Transportation Division** after giving the interested General Chairperson an opportunity to file recommendations regarding the matter. **Changes in jurisdiction are made by the General President subject to the above.** The Local shall have jurisdiction over all members of the **Transportation Division** employed under its jurisdiction.

The decision of a Local on all matters within its authority shall be final, unless appealed and reversed.

Jurisdiction and authority shall not extend to the transfer of members from one Local to another Local to result in any Local of twenty-five (25) or more members being closed. Henceforth the **General President** shall not make changes in jurisdiction of Locals which would result in closing a Local whose membership is twenty-five (25) or more members.

A Local may discipline its members for misconduct or violation of their obligation.

SECTION 41 - MEMBERSHIP

Any person of good moral character who is employed in a craft or vocation, whether public or private employment, represented by the **Transportation Division** is eligible to membership.

To gain admission or readmission, an applicant must execute and file with the Local Treasurer an official application for membership which must be accompanied by cash, check, or money order to cover one month's dues and assessments.

No application for admission or readmission shall be accepted by the Treasurer or considered in any manner until three (3) members of the Local have signed the same certifying that to the best of their belief the applicant is of good moral character and if admitted to membership in **SMART** will be a worthy member. Upon receipt of a properly executed application accompanied by the required dues and assessment, the Local Treasurer will issue to the applicant an official receipt and will promptly forward to the **General Secretary-Treasurer** the completed application, together with the required dues and assessments. The Local Treasurer will report at each meeting all admissions and readmissions occurring subsequent to the last meeting of the Local.

The official membership application form will include the following statement which will be subscribed to, and signed by, the applicant in the presence of an officer or member of the Local who shall witness the applicant's signature and certify by signature that he/she has done so:

"I pledge my honor to faithfully observe the Constitution and Laws of the **International Association of Sheet Metal, Air, Rail and Transportation Workers**, including the bylaws of my Local; to comply with the rules and regulations for the government of the **International Association of Sheet Metal, Air, Rail and Transportation Workers**; not to make known to outsiders any private proceedings of the **International Association of Sheet Metal, Air, Rail and Transportation Workers**; to faithfully perform all the duties assigned to me to the best of my ability and skill; to so conduct myself at all times as not to bring reproach upon my union and at all times bear true and faithful allegiance to the **International Association of Sheet Metal, Air, Rail and Transportation Workers**."

SECTION 42 - CONTINUOUS MEMBERSHIP

Continuous membership in the former Order of Railroad Conductors and Brakemen, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen, Switchmen's Union of North America, or Railroad Yardmasters of America in addition to service in the Merchant Marine during a national emergency and any military service together with continuous membership in the United Transportation Union will be combined to compute total continuous membership in **SMART**.

SECTION 43 - MEMBERSHIP CARDS

Members of the Transportation **Division**, upon written request to the Treasurer of their Local during the month of December, will be furnished a membership traveling card for the following year. Such cards shall bear the number and seal of the Local, and the signature of the President and Treasurer of the Local. The title, if any, and the continuous membership record of the member shall also be shown thereon.

Members totally disabled or having twenty (20) years' continuous membership as provided in **Section 42** and retired from transportation service will be given a gold embossed card indicating life membership in the United Transportation Union, **now SMART**. Such members shall be entitled to attend Local meetings.

SECTION 44 - AUTHORITY TO REPRESENT

Every member of **SMART** grants complete authority to **SMART** and any of its constituted representatives to act in said member's behalf for the purpose of disposing, in any manner, of any and all of said member's claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary. The **Organization** shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent, and act for its members before any person, board, or other tribunal in connection with consideration and determination of claims, complaints, or grievances, subject to the right of appeal in accordance with the provisions of this Constitution, except where the member involved serves reasonable written notice on the **Organization** to the contrary.

Decisions reached disposing of or settling claims, complaints, and grievances referred to herein shall be furnished in writing, within thirty (30) days after such decision, to the Local Chairperson and Secretary of the Local submitting such claims, complaints, and grievances.

SECTION 45 - DUTIES OF MEMBERS

Members of the **SMART Transportation Division** are obligated to pay all dues and assessments promptly, to attend all meetings of their Local where reasonably possible to do so, to faithfully observe the provisions of the Constitution of the International and the bylaws of the Local, to keep from outsiders the private proceedings of **SMART**, to faithfully perform all the duties assigned to them to the best of their ability and skill, and to so conduct themselves at all times as not to bring reproach upon **SMART**. Members who are found to be in violation of these duties are subject to reprimand, suspension, or expulsion, as their Local may determine, following a trial conducted in strict compliance with **Section 74 of Article 21B**.

SECTION 46 - VISITING MEMBERS

Visiting members of **SMART** shall be admitted to Local meetings upon presentation of an official receipt for the current month's dues or life membership card. In case the identity of the visiting member is not known, further proof of membership may be required.

SECTION 47 - TRANSFER OF MEMBERS

(a) In the event the charter of a Local is revoked or surrendered, the members shall be transferred to a Local having jurisdiction over their current employment. The Local having jurisdiction will be designated by the President **Transportation Division, subject to review by the General President**, and such members will be transferred on the date such revocation or surrender is effective.

(b) Following the date of unification, members in active service must become members and maintain membership in the Local having jurisdiction over the craft in which assigned on the

seniority territory on which employed. Thereafter, if a member is assigned to another craft under the jurisdiction of another Local for a period in excess of ninety (90) days, the Treasurer of the Local with which the member is affiliated shall, upon receipt of written request from the Treasurer of the Local under whose jurisdiction the member is working, issue a transfer certificate for the member.

Nothing in this section shall prohibit a member from voluntarily transferring to another Local in less than (90) days provided he/she is working under the jurisdiction of that Local.

(c) Notwithstanding the foregoing, and in circumstances in which two (2) or more Locals have identical jurisdiction, a member may, upon written request, transfer his/her membership from one such Local to the other.

(d) General Chairpersons, Local Presidents, Local Vice Presidents, Local Chairpersons, First Vice Local Chairpersons, Secretary and Treasurers, and Legislative Representative, shall not be subject to the aforementioned transfer requirements.

(e) Transfer certificates will be in the form prescribed by the **General Secretary-Treasurer** and completed in quadruplicate by the Local Treasurer, forwarding the original to the Local requesting the transfer, the second copy to the **General Secretary-Treasurer**, the third copy to the member being transferred, and retaining the fourth copy for his/her records. Upon the completion of this transaction, the member will be obliged to pay dues and assessments, effective on the first day of the following month, to the Local to which transferred.

(f) Members required to transfer from one Local to another Local in the application of this **Section** may continue to participate in any benefit program in which they were participating at the time of said transfer, provided such member continues to remit the necessary payment for said benefits.

SECTION 48 - LOCAL FUNDS

Each Local shall maintain a Local fund to pay the expenses of the Local, by levying Local dues on all in-service members. The amount of Local dues shall be established by the members present, voting by secret ballot, when the Local is organized.

No change in Local dues, the daily rate or salary established for Local officers or Legislative Representatives, or the levying of a special assessment, may be considered by a Local until notice of such proposition has been read at one (1) regular or special meeting and all members have been notified of the proposition and date on which the proposition will be considered. Any proposition to change Local dues, the daily rate, or salary established for Local officers or Legislative Representatives, or the levying of a special assessment, must be approved by a majority vote of the members, voting by secret ballot, in attendance when the proposition is considered.

Each Local shall maintain a Local Committee fund to pay the cost of representation by the Local Committee of Adjustment by levying Local Committee dues, as established by the members present under its jurisdiction, voting by secret ballot, when the committee is established.

No change in Local Committee dues, the daily rate or salary established for Local Committeepersons, or the levying of a special assessment may be considered until such proposition has been read at one (1) regular or special meeting and all members working under the jurisdiction of the Local Committee have been notified of the proposition and date on which the proposition will be considered. Any proposition to change Local Committee dues, daily rate or salary of Local Committeepersons, or to levy a special assessment must be approved by a majority vote of the

members working under the jurisdiction of the Local Committee involved, voting by secret ballot, who are in attendance when the proposition is considered.

The effective date of any increase in Local, Local Committee of Adjustment dues, or special assessments must coincide with the requirements of any checkoff of Union Dues Agreement in effect.

SECTION 49 - PAYMENT OF DUES AND ASSESSMENTS

The dues and assessments of members shall be paid in advance, before the first day of the month in which they are due. Any member who fails to pay his/her dues and assessments within the time provided shall be suspended without notice or further action.

No member shall be considered in arrears for dues and assessments when his/her employer has withheld from their pay money for such dues and assessments, pursuant to a dues check-off agreement, and the employer has delayed or defaulted payment to the Local.

A member who for any reasons, including sickness and disability, is not engaged in transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, **now SMART**, holds the contract, or in the service of the Transportation **Division** for a full calendar month (excluding his/her vacation) shall, upon submitting to the **General Secretary-Treasurer** and the Local Treasurer written request on the prescribed form, be relieved from the payment of all dues and assessments for subsequent calendar months until he/she again returns to transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, **now SMART**, hold the contract, or service with the Transportation **Division**. Such member will promptly report to the Local Treasurer his/her date of return to active service with the employer and will be obligated to pay full dues and assessments beginning with the first month thereafter.

During the period in which members request relief and are relieved from the payment of dues and assessments in accordance with this **Section**, they shall continue to enjoy all privileges of membership, except they shall not be permitted to vote in elections or on any other subject involving grievances, hours or mileage limitation, or other methods of work distribution.

The Local Treasurer, in cooperation with the Local President and the Local Chairperson involved, will maintain a close check of the roster of members who are relieved from the payment of full dues and assessments under the provisions of this **Section** with a view towards avoiding the abuse of this privilege. In addition, the Local Treasurer will, at each regular meeting of the Local, read for the benefit of members present the roster of members who have been excused from the payment of full dues and assessments.

Where the reason for a member not being engaged in transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, **now SMART**, holds the contract, or in the service of the Transportation **Division** is sickness or disability, the Local, upon receipt of written request from the member, may

by majority vote of the members present at any regular meeting, authorize the Local Treasurer to pay the member's remaining dues and assessments for such period as the Local might determine. The written request shall be a condition precedent to the member's rights under this paragraph.

Dues and assessments advanced for the benefit of sick or disabled members under the foregoing paragraph represent a loan to the member. The Local shall designate a date on or before which the amount advanced should be repaid. If repayment is not made within the time specified, the member shall be suspended for non-payment of dues.

It shall be the duty of the members to keep the Local Secretary and Treasurer advised of their current home address.

SECTION 50 - SUSPENSIONS

A member suspended for improper conduct shall, at the expiration of the time for which the member was suspended, be reinstated but shall not be required to pay dues and assessments accrued during the suspension. Should the member be accused of improper conduct during the suspension, the member shall be liable to charges.

SECTION 51 - READMISSION

A member, **as defined under Section 41**, who has been suspended for non-payment of dues or assessments may be readmitted upon application on proper form and the payment of all money due up to the date of his/her suspension, plus dues and assessments for the current month and a reinstatement fee of \$1.00. Where less than one calendar month has elapsed, no reinstatement fee will be required. A member expelled for causes other than non-payment of dues or assessments shall not be readmitted in less than six (6) months. A member expelled upon charges ordered by a convention, or one who was expelled for defrauding a Local, shall secure a dispensation from the President **Transportation Division** before presenting application for readmission.

SECTION 52 - REGISTERS

Locals shall maintain a register showing the name, address, and employment of their members.

Locals shall also maintain an attendance register and require that every member who attends Local meetings personally register his/her name and Local number therein.

Local Secretaries shall be responsible for the maintenance of accurate registers by their Local.

SECTION 53 - RIGHTS AND BENEFITS

1 Except as otherwise provided in this Constitution, no member shall be entitled to any of the
2 rights or benefits of **SMART**, unless dues and assessments are paid within the time specified herein.

SECTION 54 - LOCAL MAINTENANCE OF MEMBERSHIP FUND

1 When authorized by a majority vote of its membership, a Local may establish a Maintenance
2 of Membership fund by levying an assessment of \$1.00 per member for one month or transferring
3 an equivalent amount from the Local fund.

4 The purpose of the Maintenance of Membership fund is to provide a fund from which the
5 Local Treasurer may, without written request from the member or advance approval of the Local,
6 advance the dues and assessments of members who do not pay the same in advance before the first
7 day of the month. The Treasurer will not advance the dues and assessments of a member who
8 submits, before the first day of the month, written request for a termination of membership.

9 When dues and assessments are advanced from the Maintenance of Membership fund, the
10 member involved must reimburse the fund for the amount of the dues and assessments plus a service
11 charge of \$1.00. Should the member fail to repay this amount during the month for which the
12 advance was made, the Treasurer will make no further advances for benefits until the member has
13 paid the indebtedness. If the member is subsequently suspended for non-payment of dues or
14 discontinues membership in any other manner, the amount of indebtedness to the Maintenance of
15 Membership fund will be deducted from any payment that may be due said member from the
16 International or the Local. If recovery of the amount due the Maintenance of Membership fund is
17 not accomplished in this manner, the suspended member will not be readmitted to membership until
18 the amount due has been paid.

SECTION 55 - TIME AND PLACE OF MEETING

1 A Local shall hold at least one regular meeting each month at the time and place specified
2 in its bylaws. Upon reasonable notice to the members and the President **Transportation Division**,
3 a Local may take action to change the place and time of meeting in the same town or city in
4 accordance with its bylaws.

5 Special meetings may be called by the President of the Local and the purpose thereof must
6 be stated. The President shall call a special meeting, upon receipt of written request of five (5)
7 members in good standing, stating the purpose for which the meeting is requested. In the absence
8 of the President, the meeting shall be called by the Vice President or Secretary. Reasonable notice
9 of special meetings shall be given to all members and no business shall be transacted except that for
10 which a special meeting is called.

11 Five (5) members in good standing shall constitute a quorum for the transaction of business.

SECTION 56 - OFFICERS AND LOCALS

The elective officers of a Local shall consist of a President, Vice President, Secretary and Treasurer, and a Board of Trustees consisting of three (3) members. By action of a Local, the office of Secretary and Treasurer may be separated and elections held to fill each office. A Local having fifty (50) or more members may create the office of Collector.

The President of the Local may appoint officers consisting of guards, committees, and stewards as necessary to conduct the functions of the Local.

Stewards will be responsible for the interchange of information and communication between Local officers and the membership. They shall not be vested to act with any authority reserved to elected officers.

The elective and appointed officers shall serve for a period of three (3) years or until their successors assume office. No member may fill more than one (1) of these elective offices at the same time.

SECTION 57 - ELECTIONS IN LOCALS

The election for officers of a local shall be held in November, 1969, and each three (3) years thereafter.

An election to fill the offices of Local Committees of Adjustment shall be held in November 1970, and quadrennially thereafter.

An election for Legislative Representatives and Alternate Legislative Representatives shall be held in November 1971, and quadrennially thereafter. Candidates for these offices must be qualified voters.

Local Committeepersons and Legislative Representatives shall assume their office on January 1, following the year of the Quadrennial election.

An election for Delegate and Alternate Delegate **to the Transportation Division Convention** shall be held in November **2018**, and **quinquennially** thereafter. In Locals having jurisdiction over more than one craft, the Delegate and Alternate Delegate must be elected from different crafts. **The Delegate so elected shall also be a delegate to the SMART Convention. Additional Delegates to the SMART Convention shall be elected in accordance with Article Seven (7), Section 3.**

Officers stipulated in this **Section** shall be elected by secret ballot at a November meeting of the Local, or by referendum vote, as provided by existing bylaws or procedures of each Local. Nominations must be filed with the Secretary not later than the last regular meeting in October in the year of election. Where nominations are made by nominating petition, at least five (5) members eligible to vote shall sign the petition. The Secretary shall promptly acknowledge receipt of all petitions and read them at the last regular meeting in October.

The members present at the last regular meeting in October shall set the date on which the ballots shall be counted and the election held.

The Secretary shall prepare ballots showing the names of all candidates and the offices for which they are nominated.

Incumbent officers shall appear first with names of other candidates following in alphabetical order.

28 The ballots shall be prepared so as to provide a square opposite each candidate's name in
29 which the voter can mark his/her preference of candidates.

30 In Locals having more than one Local Committee of Adjustment for different crafts, the
31 Secretary will provide a separate ballot for all eligible voters of each craft working under the
32 jurisdiction of the committee involved.

33 When voting by mail referendum, the ballot shall be mailed by government first-class mail
34 to each member eligible to vote in envelopes bearing a return address the same as the Post Office
35 address on the "Ballot" envelopes. Ballots shall be mailed at least fifteen (15) days prior to the date
36 set to tabulate the ballots, together with a leaflet containing voting instructions, an enveloped
37 marked "A", and a stamped envelope marked "Ballot" addressed to the Secretary in care of the
38 postmaster for mailing by the voter.

39 The leaflet containing voting instructions shall contain the following:
40 "Instructions for voting by mail: The voter will make a mark in the square of his/her choice,
41 fold, and place the ballot in the enveloped marked 'A' and seal. Place sealed envelope 'A'
42 in envelope marked 'Ballot' and seal. Place name and address in upper left-hand corner of
43 envelope marked 'Ballot' and mail. Do not place any mark of identification on the ballot
44 or the envelope marked 'A' that would destroy the secrecy of the ballot."

45 The Secretary shall arrange with the postmaster for a post office box. The key or
46 combination of such box shall remain in possession of the postmaster. Such arrangement shall be
47 confirmed by letter.

48 On the day set for the tabulation of the ballots and election, the President will appoint three
49 (3) Tellers. A copy of the letter confirming the arrangement with the postmaster will be furnished
50 the Tellers which will authorize the postmaster to deliver the contents of the box to the Tellers at a
51 given hour.

52 The Tellers shall return to the Local and canvass the ballots. They will check the names on
53 the envelopes marked "Ballot" against the list of eligible voters furnished by the Secretary, open
54 the envelopes marked "Ballot", and remove the envelopes marked "A". After all envelopes marked
55 "Ballot" have been opened, and emptied, the envelopes marked "A" shall be opened, ballots
56 removed, and canvassed by the Tellers. The results shall be reported to the President of the Local
57 in writing.

58 The candidate receiving a majority of the votes cast for a given office shall be declared
59 elected. If no one (1) of the candidates for a given office receives a majority of the votes cast, another
60 ballot shall be submitted to all eligible voters upon which shall appear only the names of the two
61 (2) candidates receiving the highest numbers of votes cast for that office. If any number of the
62 candidates for a given office are tied for the highest number of the votes cast, another ballot shall
63 be submitted to all eligible voters upon which shall appear only the names of the candidates
64 receiving the highest number of votes cast for that office. If one (1) candidate receives the highest
65 number but that number does not constitute a majority of the votes cast for a given office and any
66 number of candidates are tied for the second highest number of votes cast, another ballot shall be
67 submitted to all eligible voters upon which shall appear only the name of the candidate receiving
68 the highest number and the names of the candidates receiving the second highest number of the
69 votes cast for that office.

70 The Board of Trustees shall be elected by a majority of the ballots cast.

71 The Secretary will keep all election records for one (1) year, including used, unused and
72 void ballots, eligibility list, tally sheets, and "ballot" envelopes used to mail in marked ballots.

When only one (1) nomination has been received for an office, the member so nominated will be declared elected on the day set for the tabulation of ballots and election.

In the event of a permanent vacancy in any office, the Local shall proceed to fill the vacancy in accordance with the bylaws of the Local or as provided in this **Section**; except the Vice President shall succeed to the office of President, the Alternate Legislative Representative shall succeed to the office of Legislative Representative, and the Alternate Delegate shall succeed to the office of Delegate.

In elections of Local Committees of Adjustment, only members in service under the jurisdiction of such committee will be notified of such election and permitted to file or sign nominating petitions and vote.

Locals failing to complete their regular elections during the month of November must notify the President **Transportation Division** the reason therefor and the date set for the completion of the election.

Locals must, following each election of officers or succession to office, promptly notify the **General Secretary-Treasurer**, interested General Chairpersons, State and District Legislative Boards of the names and addresses of the new officers.

Local Officers, Committeepersons, Legislative Representatives and Delegates upon leaving office must promptly transfer all property, funds, securities, equipment and other effects of their office to their successor. Any member failing to comply with the provisions of this paragraph shall be suspended from membership in **SMART**.

Candidates may have observers present during the counting and tallying process, including the tallying of the ballots, totaling, recording, and reporting of tally sheets. In a mail ballot election, candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening, and counting.

SECTION 58 - INSTALLATION OF LOCAL OFFICERS

The elective and appointive officers enumerated in **Section** 56 shall be installed as soon as possible following their election and shall assume their duties on January 1 or as soon thereafter as they are installed.

They must present themselves at a regular or special meeting for installation within sixty (60) days following their election or appointment and failing to do so, their office will be declared vacant.

Where a vacancy is filled in an interim election, the successful candidate will assume the duties of such office immediately upon installation.

The installation ceremony shall be performed by the ranking or the most recent Past President, or if no Past President is available, by a member named by the officer presiding at the meeting. The officers to be installed will be called before the installing officer who will read the following obligation:

“Do you hereby pledge on your honor to perform the duties of your respective offices as required by the **International Association of Sheet Metal, Air, Rail and Transportation Workers** Constitution; to bear true and faithful allegiance to the **International Association of Sheet Metal, Air, Rail and Transportation Workers** and with complete good faith to

support, advance, and carry out all official policies of the **International Association of Sheet Metal, Air, Rail and Transportation Workers**; to deliver to your successor all books, papers, and other property of the **International Association of Sheet Metal, Air, Rail and Transportation Workers** that may be in your possession at the end of your term of office; and at all times conduct yourself as becomes a member of the **International Association of Sheet Metal, Air, Rail and Transportation Workers?**”

The officers being installed shall respond:
“I do.”

The installing officer shall then say:
“Your duties are defined in the Constitution of the **International Association of Sheet Metal, Air, Rail and Transportation Workers** and in the bylaws of this Local. Should an emergency arise which is not covered by these laws, you are expected to exercise good judgment and common sense in order to advance the best interest of the **International Association of Sheet Metal, Air, Rail and Transportation Workers**.
“You will now assume your respective stations.”

SECTION 59 - DUTIES OF THE LOCAL PRESIDENT

The President shall preside at all meetings of the Local, enforce the provisions of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs. The President shall decide all questions of law and order, subject to appeal to the Local by any two (2) members. He/she shall appoint a majority of all committees and shall sign all documents that require authentication.

The President shall see that the Local officers respond to inquiries from the International and shall, with the Secretary and/or Treasurer, file all reports required of Locals by Federal, State, or local laws, and countersign all disbursements issued by check or draft.

The President may speak on any subject before the Local but he/she may not vote except, in case of a tie vote, on a matter upon which he/she is otherwise eligible to vote shall cast the deciding ballot.

SECTION 60 - DUTIES OF THE LOCAL VICE PRESIDENT

The Vice President shall assist the President in the discharge of his/her duties and preside at meetings in the absence of the President. He/she shall appoint a minority of all committees and, if the President's office becomes vacant, shall discharge the duties and assume the responsibilities of the President for the remainder of the term.

SECTION 61 - THE LOCAL PAST PRESIDENT

1 When a Local President has completed his/her term of office and a successor has been
 2 installed, he/she shall become the ranking Past President of the Local and shall serve as such until
 3 succeeded. He/she shall thereafter be a Past President according to the regular order of succession.

SECTION 62 - DUTIES OF THE LOCAL PAST PRESIDENT

1 The Past President shall install the officers of the Local and, in the absence of the President
 2 and Vice President, shall preside at Local meetings.

SECTION 63 - DUTIES OF THE LOCAL SECRETARY

1 The Secretary shall keep an accurate record of all proceedings, receive all communications,
 2 conduct the correspondence, and shall have charge of the seal and records of the Local. He/she shall
 3 notify all officers of their election or appointment and shall notify other Locals of action taken by
 4 his/her Local which might affect, interest, or concern them.

5 The Secretary shall notify the **General Secretary-Treasurer** of all changes in the time and
 6 place of meetings and prepare, sign, and affix the seal to all documents requiring his/her official
 7 signature as provided by the Constitution and bylaws of the Local.

8 He/she shall see that all notices required regarding elections and levying of assessments are
 9 sent in accordance with **Article 21B**. The Secretary shall perform the duties of the Treasurer in
 10 Locals that do not provide for the separation of the offices of Secretary and Treasurer and shall,
 11 with the President and Treasurer, file all reports required by Federal, State, or local laws.

SECTION 64 - DUTIES OF THE LOCAL TREASURER

1 The Treasurer shall receive all money due to be collected by the Local and give his/her
 2 receipt for the same. Where a Local maintains the office of Collector, the provisions of **Section 65**
 3 will apply. The Treasurer shall hold and keep secure all Local funds and shall be bonded as provided
 4 in **Section 71 of Article 21B**. He/she shall sign all papers requiring his/her signature and perform
 5 other duties required by **Article 21B** and the bylaws of the Local. He/she shall keep an accurate
 6 account for all receipts and expenditures of the Local on forms provided for that purpose. These
 7 records shall be open at all times for inspection and audit by officers of the International or their
 8 representatives.

9 The Treasurer shall promptly, but not later than the 20th day of each month, remit to the
 10 **General Secretary-Treasurer** all monies due the International. All disbursements issued by check
 11 or draft must be countersigned by the President of the Local. Each disbursement shall be reported
 12 by the Treasurer at the first meeting of the Local following the disbursement.

13 During the month of January of each year, the Treasurer shall submit to the Board of
 14 Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and
 15 disbursements of the Local for the preceding year. The Board of Trustees will promptly audit the
 16 books and, if the Treasurer's report is found to be correct and the cash on hand or its equivalent has
 17 been verified, the Board members shall sign and submit the report to the first regular meeting of the

Local following the audit. A copy of the signed report shall then be sent to the **General Secretary-Treasurer** by the Board of Trustees.

The Treasurer shall be a member of all Local Committees which receive or disburse money. When Local action is taken approving the disbursement of funds which in the opinion of the Treasurer is in violation of provisions of this Constitution or the Local's bylaws, he/she shall withhold payment for a period not to exceed thirty (30) days and report the matter at once to the President **Transportation Division**. The Treasurer will then be governed by the President **Transportation Division's** instructions regarding the expenditure involved, subject to appeal.

The Treasurer shall notify the Treasurer of another Local when he/she has knowledge that a member of his/her Local is employed under the jurisdiction of the other Local.

It shall be the responsibility of the Treasurer to credit dues and assessments paid to the appropriate Local Committee of Adjustment and General Committee of Adjustment accounts of his/her Local in accordance with the provisions of **Article 21B**.

The Treasurer shall, with the President and Secretary, file all reports required by Federal, State, and local laws.

SECTION 65 - DUTIES OF THE LOCAL COLLECTOR

The Collector shall receive all money due the Local and will give receipt therefore. He/she shall, prior to the first day of each month, report to the Local Treasurer on the required forms all money received during the current month and shall pay to the Local Treasurer the amount so collected. His /her records shall be open at all times for inspection and audit by officers of the International or their representatives. He/she shall be bonded as provided in **Section 71 of Article 21B**.

SECTION 66 - DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVES

(a) Local Legislative Representatives shall attend all meetings of their State or District Legislative Board. They shall report to their Locals regarding the handling of all alleged unsafe or unsanitary working conditions found to exist, or reported to them, within their jurisdiction. They shall undertake to correct such conditions through appropriate measures consistent with the local and national policies of the **Transportation Division**. If they are unable to correct the alleged unsafe or unsanitary working conditions, they will so report to the President **Transportation Division** and the National Legislative Director regarding Federal matters and to the State or District Legislative Director regarding State or District matters. They shall urge all members of the **Transportation Division** to qualify and vote in all elections. When called upon, they shall give all possible assistance to the President **Transportation Division**, National Legislative Director, State or District Legislative Director, and the officers of the State or District Legislative Boards, subject to the supervision of the Local.

SECTION 67 - DUTIES OF THE LOCAL BOARD OF TRUSTEES

1 The Local Board of Trustees shall supervise the financial affairs of the Local. Upon approval
2 by the Local, the Board shall also have the authority to rent, lease, or purchase property, office
3 equipment, or necessary supplies. Additionally, the Board shall assure that the Treasurer and other
4 Local officers are bonded as required by **Section 71**.

5 The Board shall meet in the month of January of each year for the purpose of auditing the
6 annual report of the Treasurer and verifying bank balances and cash on hand. If the Treasurer's
7 annual report is found to be correct, the Board members shall endorse the report with their
8 signatures, furnishing copies to the Local and the **General Secretary-Treasurer**.

SECTION 68 - LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT

1 If any elected officer, Legislative Representative or Committeeperson of a Local becomes
2 negligent in the performance of his/her duties and responsibilities as a Local representative, the
3 Local may, after due deliberation, take action to notify him/her to appear at a designated meeting
4 and show cause why his/her office or position should not be declared vacant. The notice must be in
5 writing and will fully specify the complaints he/she will be required to answer. If he/she fails to
6 respond to the notice or if the explanations offered for his/her negligence are unsatisfactory, the
7 Local may, by majority vote of the members involved, present at the meeting, declare his/her office
8 or position vacant, unless he/she invokes the trial procedure as set forth in **Section 74** within fifteen
9 (15) days from the date of the aforementioned notice.

SECTION 69 - LOCAL APPOINTIVE OFFICE DECLARED VACANT

1 If any appointed officer or committeeperson is negligent in performing his/her duties as a
2 Local representative, the President of the Local may declare the office vacant and appoint a
3 successor at any regular meeting.

SECTION 70 - VACATIONS – LOCAL OFFICERS AND COMMITTEEPERSONS

1 Officers and Committeepersons employed by their Locals on a full-time basis shall be
2 granted vacation with pay, consistent with the terms of the National Vacation Agreement, based
3 upon earnings from their Local. Such vacations may be split but will not be carried over from one
4 year to the next.

5 Officers and Committeepersons employed by their Locals on a part-time basis shall be paid
6 the difference between the amount of vacation pay allowed by their carrier and the amount of
7 vacation pay they would have received had their wages with the Local been earned with the carrier.
8 However, if they do not work a sufficient amount of time with their carrier to qualify for a vacation,

they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the Local.

Vacation allowances provided herein shall be paid by the Treasurer from the appropriate Local funds within ten (10) days after receipt of the vacation claim. This **Section** is intended to prevent any loss in vacation time and pay as a result of serving the Local.

SECTION 71 - BONDING OF LOCAL OFFICERS

*The President **Transportation Division** shall arrange a plan for the bonding of Local officers. Each Local shall pay its pro rata share of the cost and expense of bonding under such rules and regulations as determined by the President **Transportation Division**.*

For bonding see Article 5, Section 1 (c).

If a shortage in Local funds is found to exist or there is evidence that a shortage may exist, immediate notice with details and a statement of the evidence must be sent to the **General Secretary-Treasurer** by the President, Secretary, or other officers of the Local having such knowledge.

Auditors of the International will audit local records in such cases and attempt to collect any shortage that may exist.

SECTION 72 - SURPLUS ASSETS OF LOCALS

A Local may deposit surplus assets with the International. Locals making such deposits shall be responsible for the pro rata share of expenses incidental thereto.

The **General Secretary-Treasurer** shall be the custodian of such assets deposited. The deposits shall be placed in a suitable safety deposit box. At least two (2) members of the **General Executive Council** shall be present when assets are deposited or the deposit box is opened.

The **General Secretary-Treasurer** shall maintain a record of the deposits and attend to the collection of any income due thereon and remit same to the Local involved.

Assets deposited with the International must be shown by the Treasurer as part of the balance on hand to the credit of the Local. Deposits may be withdrawn at any time upon submitting to the **General Secretary-Treasurer** a resolution adopted by Local action, signed by the President and Treasurer, and bearing the Local seal.

SECTION 73 - REVOKING OR SURRENDERING LOCAL CHARTERS

The charter of a Local may be revoked by **recommendation of the President Transportation Division, with approval of the General President in accordance with Article 3, Section 2 (d)**, for any of the following reasons:

1. Improper conduct.
2. Neglecting or refusing to conform to the provisions of this Constitution or the Local's bylaws.
3. Neglecting or refusing to make required returns and reports.

4. Neglecting or refusing to hold at least one (1) regular meeting each month.
5. Neglecting or refusing to elect and install a successor to an officer who was removed from office.
6. Neglecting or refusing to bring an officer or member to trial when directed to do so by the **General President and President Transportation Division**.

No charter **can** be revoked until the President **Transportation Division** has given at least thirty (30) days written notice to the President and Secretary of the Local and the interested General Chairpersons of his intention to revoke the charter and an **Transportation Division** officer, **or International Representative**, has attended a designated regular meeting of the Local for the purpose of investigating the matter and giving the officers and members of the Local an opportunity to be heard.

A Local whose charter has been revoked shall be known as a defunct Local. All property, funds, and securities of a defunct Local shall automatically be vested in the Local(s) into which its members are transferred, on a pro rata basis, as of the date the charter is revoked. The President **Transportation Division, subject to review by the General President and** after consultation with the interested General Chairpersons, State or District Chairpersons, shall designate the Local(s) into which the defunct Local's members will be transferred consistent with such changes in jurisdiction as might become necessary as a result of closing the Local.

The officers of a defunct Local shall deliver to the **General Secretary-Treasurer**, within thirty (30) days after its charter is revoked, the charter, seal, and other supplies furnished by the International together with all funds, securities, and other effects of the Local. Local officers who fail to comply with the provisions of this paragraph shall be suspended from membership in **SMART**.

An expelled or suspended member whose Local is defunct may file application for admission into the Local then holding jurisdiction over his/her employment. Such application shall be treated and progressed as if it were an application for readmission under the provisions of **Section 51 of Article 21B**.

Any Local wishing to surrender its charter may do so by majority vote of the members and shall notify the President **Transportation Division**, who will **with approval of the General President**, appoint a responsible representative to take full charge of the charter and all property of the Local for disposition in accordance with this **Section**.

SECTION 74 - CHARGES AND TRIALS – OFFICERS, COMMITTEEPERSONS, AND MEMBERS OF LOCALS, GENERAL COMMITTEES OF ADJUSTMENT AND LEGISLATIVE BOARDS

(a) Charges may be preferred against a Local officer, Committeeperson, or member for failure to fulfill the obligations and responsibilities imposed upon them by **Article 21B** and/or the bylaws of the Local. **Charges not covered under Article 21B will be processed under the provisions of Article 17 and 18 of the SMART Constitution.**

Charges must be made in writing and shall clearly specify the alleged offense(s) together with the **section(s) of Article 21B** and/or those portions of the Local bylaws, which it is alleged have been violated.

Charges must be signed by the party preferring them. He/she shall then forward the charges by certified mail to the Secretary of the Local in which the accused holds membership unless the alleged offense was committed under the jurisdiction of another Local, in which case the charges will be sent to the Secretary of that Local.

A Local officer or Committeeperson against whom charges have been preferred shall continue in office while under charges unless otherwise voted by the Local.

A member shall not be suspended for non-payment of dues while under charges. The Local Treasurer is authorized to pay such membership dues from the Local fund until the charges have been tried and determined. The money involved will be considered as a loan to the member, and unless repaid on or before a day designated by the Local, the member will be suspended for non-payment of dues.

The Local will consider the charges at its first regular meeting following their receipt by the Secretary of the Local, and unless charges are found to be completely lacking in substance or merit, the Local will accept the charges and authorize a trial.

A Trial Board consisting of five (5) members of the Local working in the craft of the accused shall be elected by the Local and the Trial Board shall elect from its members a Chairperson and a Secretary and proceed to try the case. Within three (3) days of their first meeting, the Secretary of the Trial Board shall send to the accused by certified mail a copy of the charges and notice of the date, time, and place of trial. The date selected for the trial must permit not less than fifteen (15) days' advance notice to both parties involved in the trial. The trial shall be held within thirty (30) days from the meeting at which the charges were presented.

The Secretary of the Trial Board shall send by certified mail the same information relative to the trial to the party preferring the charges along with instructions to attend the trial for the purpose of submitting evidence and testimony in support of the charges and to participate in cross-examination by or on behalf of the accused.

The majority of the Trial Board shall constitute a quorum and, in the absence of a quorum, no trial shall be held and the Trial Board will report the circumstances to the Local at its next meeting. If the Local elects to continue the trial, the Chairperson of the Trial Board will then set another date for the trial and notify all parties involved of the time, place, and date of the rescheduled trial, which shall be held within thirty (30) days.

No member of a Trial Board shall be directly or indirectly involved as a party, witness, or otherwise in the conduct giving rise to the charges preferred against the accused. In the event any of the members of a Trial Board are so involved, they shall be disqualified to sit and the Local shall elect a substitute member.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as his/her representative or counsel in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of the names of witnesses which he/she intends to call in support of the charges. He/she shall furnish a copy of such list to the accused and shall also act as prosecutor in the case either in person or through his/her counsel or representative.

For good cause any party may request a postponement of the date set for trial. Such request shall be addressed to the Chairperson of the Trial Board and shall be subject to approval or rejection within the discretion of the members of the Trial Board. Such postponements shall not exceed ninety (90) days.

Should the accused fail to appear for trial after being notified as prescribed in the foregoing, should he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by **Article 21B**, the Local bylaws, or the Trial Board, or should he/she engage in conduct designed to obstruct the trial, the Trial Board shall proceed to conduct the trial in his/her absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

The Trial Board shall arrange for a transcript of the trial proceedings. A copy of the transcript shall be furnished to each party without cost.

Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to attend any trial session of the Trial Board, the evidence of such witness may be taken in deposition form before a notary public or other civil officer authorized to administer oaths. Said deposition shall be admissible evidence at the trial proceedings provided the adverse party or his/her counsel is given the opportunity of being present and cross-examining the witness when the deposition is taken.

Before giving testimony, any witnesses who are members of **SMART** shall be required to make the following affirmation:

“Do you solemnly affirm upon your honor as a member of **SMART** that the evidence to be given by you in this case shall be the truth and nothing but the truth?”

All persons shall be excluded from trial sessions except the members of the Trial Board, parties to the trial and their counsel or representative, the witness who is testifying, and the reporter or person transcribing the testimony.

After all evidence has been presented and arguments made by all parties or their counsel, the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session for consideration of its decision.

The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be reprimand, removal from office, suspension, or expulsion from membership. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in **Section 75 of Article 21B**.

The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the President **Transportation Division, General Secretary-Treasurer**, and the Secretary of the Local.

If suspension is the penalty prescribed by the Trial Board, such suspension will be for not more than two (2) months beginning with the first day of the month following the month in which the Trial Board renders its decision.

If removal from office and/or expulsion from membership is the penalty, such removal and/or expulsion shall become effective on the date the Trial Board’s decision is delivered to the accused by certified mail.

If reprimand is the penalty, the accused shall be summoned to attend a regular meeting of the Local to be reprimanded by the President. If he/she fails to attend, the accused shall be suspended

from membership until he/she does attend a meeting to receive the reprimand. If the failure to attend continues until the close of the month following the month in which the accused was summoned, he/she shall be expelled.

(b) Charges may be preferred against officers and members of General Committees of Adjustment or Legislative Boards for failure to fulfill the obligations and responsibilities imposed upon them by this Constitution and by their General Committee of Adjustment or Legislative Board.

Charges must be made in writing and shall clearly specify the alleged offense(s) together with the **section(s)** of **Article 21B** and/or those obligations and responsibilities which it is alleged have been violated.

Charges must be signed by the party preferring them. Said party shall forward copies by certified mail to the accused, the President **Transportation Division**, and the Secretary of the General Committee of Adjustment or Secretary of the Legislative Board as the case may be. The President **Transportation Division** shall promptly furnish copies of the charges to all members of the General Committee of Adjustment or Legislative Board involved.

If in the opinion of the majority of the members of the General Committee of Adjustment or Legislative Board the charges warrant trying the accused, the President **Transportation Division** shall give the accused and the party preferring the charges fifteen (15) days' notice prior to the convening of a Trial Board to try the accused. The Trial Board shall consist of not more than five (5) members appointed by the President **Transportation Division** from among those members of the General Committee of Adjustment or Legislative Board, as the case may be, who are not involved in the charges. The first named shall be chairperson. A majority of the Trial Board shall constitute a quorum. The Trial Board shall meet at the time and place chosen by the President **Transportation Division**, elect a Secretary, and proceed to try the case.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as his/her counsel or representative in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of names of witnesses which he/she intends to call in support of the charges and shall furnish a copy to the accused. The accuser shall also act as prosecutor in the case either in person or through his/her counsel or representative.

Should the accused fail to appear for trial after notice as prescribed in the foregoing, should he/she appear but refuse to comply with the rules for the conduct of the trial prescribed by **Article 21B** or the Trial Board, or should he/she engage in conduct designed to obstruct his/her trial, the Trial Board shall proceed to conduct the trial in his/her absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

The Trial Board shall arrange for a transcript of the trial proceedings. A copy of the transcript shall be furnished to each party without cost.

Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to attend any trial session of the Trial Board, the evidence of such witnesses may be taken in deposition form before a notary public or other civil officer authorized to administer oaths. Said deposition shall be admissible evidence at the trial proceedings provided the adverse party or his/her counsel is given the opportunity of being present and cross-examining the witness when the deposition is taken.

Before giving testimony, any witnesses who are members of **SMART** shall be required to make the following affirmations:

“Do you solemnly affirm upon your honor as a member of **SMART** that the evidence to be given by you in this case shall be the truth and nothing but the truth?”

All persons shall be excluded from trial sessions except members of the Trial Board, parties to the trial and their counsel or representative, the witness who is testifying, and the reporter or person transcribing the testimony.

After all evidence has been presented and arguments made by all parties or their counsel, the Trial Board shall conclude the trial and, as soon as practicable, assemble in executive session for consideration of its decision.

The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be reprimand or removal from office. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in **Section 75 of Article 21B**.

The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the President **Transportation Division**, **General Secretary-Treasurer**, and members of the General Committee of Adjustment or Legislative Board.

If reprimand is the penalty, the President **Transportation Division** shall issue the reprimand in writing to the accused and furnish all members of the General Committee of Adjustment or Legislative Board a copy of the reprimand.

If removal from office is the penalty, such removal shall become effective of the date the Trial Board’s decision is delivered to the accused by certified mail. An officer or member thus removed may not again serve in any office of the **Transportation Division** except upon **recommendation by the President Transportation Division and final** approval of the **General** President.

SECTION 75 - APPEALS

I – TO THE BOARD OF APPEALS

(a) An officer or member of a Local may appeal from an action or decision of a Local to the Board of Appeals, except as provided in paragraph (c) below. Such appeal shall be filed with the **General Secretary-Treasurer** within ninety (90) days from the date the action or decision occurred.

(b) A subordinate body may appeal an action or decision against it to the Board of Appeals, provided such appeal is filed with the **General Secretary-Treasurer** within ninety (90) days from the date the action or decision occurred.

(c) An officer or member of a Local may appeal from an action or decision of a Local Committee of Adjustment to the appropriate General Chairperson, provided such appeal is filed with the General Chairperson within ninety (90) days from the date the action or decision occurred.

(d) A Local or member of a Local may appeal from an action or decision of a General Chairperson to the General Committee of Adjustment, provided the appeal is filed within ninety (90) days from the date the action or decision occurred. Appeals to the General Committee of Adjustment must be filed with the Secretary of the General Committee and shall be acted upon not later than the next session of the General Committee of Adjustment.

(e) An appeal pending before a General Committee of Adjustment which has not been acted upon within ninety (90) days shall be referred by the Secretary of the General Committee of Adjustment to the Board of Appeals for a decision, provided the appellant makes a request to do so to the Secretary of the General Committee at least thirty (30) days prior to the date the Board of Appeals is scheduled to convene.

(f) An appeal from the decision of the General Committee of Adjustment may be made to the Board of Appeals provided the appeal is filed with the **General Secretary-Treasurer** within ninety (90) days from the date of the decision of the General Committee of Adjustment.

II – TO THE BOARD OF DIRECTORS

(a) A member or subordinate body may appeal to the Board of Directors from an interpretation of **Article 21B** made by the President **Transportation Division**, provided such appeal is filed with the **General Secretary-Treasurer** within ninety (90) days from the date the decision by the President **Transportation Division** was made. **Decisions of the Board of Directors under this paragraph are subject to appeal to the General President under Article 19.**

(b) Actions or decisions of Trial Boards may be appealed to the President **Transportation Division**, provided such appeal is filed with the **General Secretary-Treasurer** within ninety (90) days from the date on which the action or decision occurred. The **General Secretary-Treasurer** shall docket the appeal and present all papers relating to the appeal to the President **Transportation Division**.

The President **Transportation Division** will promptly render a decision on the appeal which shall be final and binding on all parties unless appealed to and reversed or modified by the **General Executive Council**. Appeals to the **General Executive Council** must be filed with the **General Secretary-Treasurer** within **sixty (60)** days from the date of the decision by the President **Transportation Division**. Decisions rendered by the **General Executive Council** on appeals referable to the **Council** shall be final **unless changed upon appeal to the SMART General Convention in accordance with Article 19.**

III – PROCEDURES

In all appeals as provided herein the party whose action or decision is being appealed shall be allowed sixty (60) days from the date the appeal is filed to reply to the appeal.

All appeals must be in writing, contain the pertinent facts involved, and set forth the basis of the appeal. The parties involved in an appeal shall exchange copies of the appeal and the reply thereto, and all related correspondence. Copies of decisions involving appeals, will be in writing, contain the pertinent facts involved, provide the rationale leading to the decision and be furnished all interested parties.

SECTION 76 - LOCAL RULES OF ORDER

The Rules of Order of the International shall be used by the Local insofar as they can be made applicable. Parliamentary matters not specifically covered by said Rules of Order will be decided in accordance with the parliamentary principles contained in Robert's Rules of Order, Revised.

SECTION 77 - CONDUCT OF LOCAL MEETINGS

Meetings of the Local shall be opened by the President, Vice President, Past President, or in their absence by any other officer or member with the following statement:

“I now declare this meeting of **SMART** Local No. _____ open for the transaction of such business as may properly come before it.”

The following order of business is suggested but Locals may alter the suggested order of business as necessary to suit their requirements:

1. Roll call of officers
2. Reading minutes of the previous meeting
3. Admission of new members
4. Treasurer's report
5. Reports of officers and committees
6. Communications
7. Unfinished business
8. New business
9. Bills of allowance
10. Nomination of officers and committee persons
11. Election and installation of officers
12. Safety first
13. Way and means of improving **SMART**
14. Closing

SECTION 78

NOTE: The provisions of **Section 78** were declared void by the Federal Court ruling in Civil Action No. 97-5732 (NHP) and the **Section** has been deleted from **Article 21B** per **Section 38**.

SECTION 79 - CONSIDERATION OF GRIEVANCES

Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction. Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall be given prompt handling with local officials of the employer. A report by the committee will be made at the next meeting.

When grievances are being considered by a Local, only those members employed in the craft on the territory involved shall be permitted to vote, provided that at least five (5) such members must be present before any action can be taken. If more than one (1) craft is involved, the grievance shall be considered and determined separately by each craft.

In the absence of a collective bargaining agreement to the contrary, no grievance involving requests for reinstatement shall be accepted after the expiration of two (2) years from the date of dismissal. Any grievance involving positions and rank on seniority rosters shall be reviewed and corrected when and if factual evidence is presented to show an error in record keeping.

SECTION 80 - PRESERVATION OF CRAFT AUTONOMY

(a) Local working conditions of a craft over which a Local has jurisdiction may not be revised or changed unless authorized to do so by a majority of the votes cast by the members affected and working in the craft. Such a proposal will not be voted upon prior to the first meeting following that in which the proposition was presented. If more than one craft is affected, the issue shall be determined by a majority vote of each and every affected craft, i.e., in the event any one of the crafts affected rejects the issue, the matter shall remain unchanged.

(b) In the event 25% of the members working in a craft in the territory involved petition the Local to circulate a referendum ballot, on any issue to be voted upon involving a change in local working conditions in the territory over which the Local has jurisdiction, a referendum ballot will be circulated. Only those members assigned in the craft and working in the territory affected shall be permitted to vote. A majority of the votes cast shall determine the issue. An issue decided by referendum vote can be changed only by another referendum vote.

(c) General Committees of Adjustment, by a majority vote, may authorize the revision of general or system schedule rules, amend existing rules, or establish new rules, except, General Committees of Adjustment consolidated on or after date of unification with other General Committees of Adjustment and/or officers representing **Transportation Division**, assisting those General Committees of Adjustment, shall not revise or amend general or system schedule rules of any craft unless authorized to do so by a majority vote of the representatives of that craft on the General Committee.

(d) When voting on matters involving wages, rules, working conditions, or elections held in a Local meeting is by craft vote, the craft in which a member is entitled to vote shall be the craft in which he/she is assigned, irrespective of Local affiliation, at the time the vote is taken. In the event referendum procedures are used for such voting, the craft in which a member is entitled to vote shall be the craft in which he/she is assigned on the date prior to the date the ballots are mailed by the Secretary.

(e) The provisions of this **Section** may not be changed by the International Union, except upon the approval of a majority vote of the members of each of the crafts represented by the United Transportation Union, **now SMART**.

SECTION 81 - LOCAL COMMITTEES OF ADJUSTMENT

Each Local shall elect a Local Committee of Adjustment, consisting of a Chairperson, one or more Vice Chairpersons, and a Secretary. Additional Local Committees of Adjustment may be formed to represent members on a separate seniority district or when employed in a separate craft represented by the **SMART Transportation Division**. Such committeepersons must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee.

The President **Transportation Division** may grant dispensation for the establishment of separate Local Committees of Adjustment for the members of a Local working in one of the various crafts represented by the **SMART Transportation Division**. Each Local Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such committee.

When required, it shall be the duty of the Chairperson of the Local Committee of Adjustment to furnish the Treasurer of the Local and the interested General Chairpersons the names of non-members and members who have been taken out of service, or who have been returned to service. Additionally, the Chairperson of the Local Committee of Adjustment will assist in furnishing information to the Treasurer as to the names of employees working under the jurisdiction of his/her committee.

It shall be the duty of the Chairperson of the Local Committee of Adjustment to promptly handle claims and grievances when presented in accordance with **Section 79**. He/she shall be authorized to file claims and grievances including those where time has not been claimed, or where claims were incorrectly and/or improperly filed. He/she shall report on the handling of all claims and grievances at the next Local meeting.

Should the Local Chairperson fail to satisfactorily adjust any case presented, he/she may refer same to the General Chairperson with the complete facts and history of the case, including copies of correspondence exchanged with local officials.

It shall be the duty of the Vice Chairperson to handle matters referred to the Local Committee when so directed by the Chairperson. The Vice Chairperson of the Local Committee shall act as Chairperson when the Chairperson is unable to perform his/her duties, and in case of a permanent vacancy in the office, he/she shall act as Chairperson until the office is filled as provided in **Section 57**. When more than one Vice Chairperson is elected to a Local Committee of Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required by this paragraph.

Local Committees shall not take grievances to the general officers of an employer, except through the General Chairperson, and will not be permitted to enter into any agreement or understanding or change an agreement or understanding unless approved and signed by the General Chairperson and the designated carrier representative.

Local Committees of Adjustment may consolidate their Committees under such terms and conditions as they deem appropriate, subject to approval by a majority of the members under the jurisdiction of each Committee involved.

In the event 25% of the members, working in a craft under the jurisdiction of a Local Committee of Adjustment, petition the Secretary of their Local to circulate a referendum ballot on a proposition of discontinuing their Local Committee of Adjustment and to be placed under the jurisdiction of another Committee in the same Local, the Secretary will circulate a ballot on the proposition among the members represented by each respective Local Committee of Adjustment.

44 Upon approval by a majority vote of the members represented by each respective Committee, the
 45 Committee to be discontinued will, within fifteen (15) days from the date of such approval, make
 46 an orderly transfer of the property, funds, and files to the Committee assuming jurisdiction.

47 Compensation and expenses for members of the Local Committee shall be determined by
 48 the members of the Local under the jurisdiction of the Committee. The Local Committeeperson
 49 when authorized by the General Chairperson to perform service in connection with General
 50 Committee matters shall be compensated from the General Committee Fund.

SECTION 82 - GENERAL COMMITTEE OF ADJUSTMENT

1 The Chairperson of each Local Committee of Adjustment under the jurisdiction of a General
 2 Committee of Adjustment shall be a member of such General Committee of Adjustment. Local
 3 Chairpersons representing yardmasters only, may be members of the General Committee
 4 representing yard/switchpersons subject to approval of such General Committee.

5 The officers of a General Committee of Adjustment shall be a General Chairperson, one or
 6 more Vice Chairpersons, and a Secretary. The officers of a General Committee must hold seniority
 7 rights in one of the crafts under the jurisdiction of such General Committee.

8 Each General Committee of Adjustment shall hold a quadrennial meeting in January of
 9 1971. Beginning with this meeting, not more than two (2) officers of a General Committee shall be
 10 elected from any one craft when such Committee represents only two crafts, and not more than one
 11 officer from any one craft when such Committee represents more than two crafts, except by
 12 unanimous consent of the full General Committee.

13 If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the
 14 General Committee, the Vice Chairperson of such Committee shall attend the meeting and represent
 15 his/her Local, but as such, he/she shall not be eligible for election as an officer of the General
 16 Committee, except that of General Chairperson. The absent Local Chairperson shall be eligible for
 17 election as an officer of the General Committee of Adjustment.

18 Incumbent officers and members of the General Committee, and any member holding
 19 seniority in the craft represented by the General Committee shall be eligible for election to the office
 20 of General Chairperson. Only members of the General Committee shall be eligible for election to
 21 the office of Vice General Chairperson, or Secretary of the Committee. A General Committee
 22 requiring the full-time services of a Vice General Chairperson or Secretary may re-elect such
 23 officers, without their being re-elected as Local Chairpersons. In such cases these officers may speak
 24 but shall have no vote in the General Committee.

25 The officers of a General Committee shall be elected by secret vote of the members of the
 26 General Committee during the quadrennial meeting except as otherwise provided herein.

27 The Chairperson of a General Committee of Adjustment may be elected by referendum vote
 28 instead of by General Committee vote as provided for in the preceding paragraph if two-thirds (2/3)
 29 of the Local Chairpersons under the jurisdiction of a General Committee, prior to August 1
 30 preceding the year of the regular quadrennial meeting of the General Committee, vote for and advise
 31 the President **Transportation Division** in writing of their desire to have the Chairperson of that
 32 Committee elected by referendum vote.

33 Upon receipt of such request the President **Transportation Division** will notify the Locals
 34 under the jurisdiction of that General Committee that a referendum election for General Chairperson
 35 will be held.

36 Each Local under the jurisdiction of the General Committee, after giving at least fifteen (15)
 37 days prior notice thereof, shall schedule a meeting to be held prior to October 1, at which
 38 nominations for General Chairperson will be accepted.

39 Nominations for General Chairperson will only be accepted when a petition is signed by at
 40 least five (5) members holding seniority rights in one of the crafts and holding membership in one
 41 of the Locals under the jurisdiction of the General Committee. The petition shall be presented to the
 42 Secretary of the Local no later than the meeting scheduled to accept such nominating petitions.

43 The Local Secretary shall certify the names of candidates and forward same to the President
 44 **Transportation Division** by certified mail no later than ten (10) days after the nominating meeting.
 45 The President **Transportation Division** shall have prepared ballots placing the name of the
 46 incumbent candidate on the ballot first and the names of the other candidates in alphabetical order.
 47 The President **Transportation Division** shall send a ballot as described in **Section 57** to each
 48 member entitled to vote no later than October 25. Only members employed under the jurisdiction
 49 of a General Committee of Adjustment shall be eligible to vote in the referendum election for the
 50 Chairperson of such Committee. The President **Transportation Division** shall request a list of
 51 eligible voters to be prepared by the **General Secretary-Treasurer** showing the names and
 52 addresses of the members paying General Committee assessments to that General Committee for
 53 the month of August preceding the election.

54 The President **Transportation Division** shall arrange for the **General Secretary-**
 55 **Treasurer** to receive and tabulate the ballots. The envelope addressed for the return of such ballot
 56 shall be addressed to the **General Secretary-Treasurer** and shall not be opened prior to the date
 57 set for tabulation.

58 The **General Secretary-Treasurer** will tabulate the ballots between November 10 and
 59 November 15 and shall notify the General Chairperson and candidates the date set for tabulating
 60 the ballots. Each candidate, or his/her representative, may witness the tabulation at his/her own
 61 expense.

62 The **General Secretary-Treasurer** shall immediately notify the President **Transportation**
 63 **Division**, General Chairperson, candidates, and each Local the results of the election.

64 The candidate receiving a majority of the votes cast shall be declared elected. If no candidate
 65 receives a majority on the first ballot, all but the two candidates receiving the largest vote will be
 66 dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the
 67 **General Secretary-Treasurer** shall be governed by the applicable provisions of **Section 57**.

68 A defeated General Chairperson shall not sign system agreements unless they are also signed
 69 by the Vice Chairperson and Secretary of the General Committee. A defeated General Chairperson
 70 shall not close out pending cases unless concurred in by the Vice Chairperson and Secretary of the
 71 General Committee.

72 The cost of referendum election for General Chairperson shall be considered as General
 73 Committee expense under **Section 84**, and such expense shall be paid by the **General Secretary-**
 74 **Treasurer** from the appropriate General Committee fund.

75 The Chairperson of each General Committee of Adjustment shall convene the full
 76 Committee between January 1 and May 31 following the completion of the quadrennial elections
 77 for Local Committees of Adjustment, or as soon thereafter as elections are completed, and

quadrennially thereafter. Actions of the General Committee shall be retroactive to January 1 of that year. In the event the Chairperson fails to convene the Committee, the Committee shall be convened by the President **Transportation Division** on request of one or more Locals.

When the Chairperson has been elected by referendum vote, the results of the vote shall be announced on the first day of the quadrennial meeting and the Chairperson elected shall immediately assume the office.

A General Chairperson shall have no vote in General Committee meetings except in case of a tie vote on matters other than elections, the Chairperson will cast the deciding vote. In case of a tie vote in a Committee election after five (5) secret ballots the Chairperson shall then be permitted to vote.

Each General Committee of Adjustment may adopt its bylaws and procedures, establish salaries, set the amount of General Committee of Adjustment dues, and such other matters necessary for its operation, subject to the provisions of this Constitution.

The President **Transportation Division** may grant dispensation for the establishment of separate General Committees of Adjustment, for the various crafts represented by the **SMART Transportation Division**. Each such Committee shall be maintained by dues and/or assessments levied upon the members under the jurisdiction of such Committee.

If less than three (3) Locals are located on a property, the General Chairperson shall be elected by referendum vote.

A General Chairperson may not serve as Local Chairperson, except when there is only one Local Committee of Adjustment on a property, the Local Committee of Adjustment shall constitute the General Committee of Adjustment.

In Bus Department Locals where there is one Local on a property, General Committees of Adjustment and/or officers representing the **SMART Transportation Division**, shall not revise or amend general or system schedule rules unless authorized to do so by a majority of votes cast by the members of the craft under the jurisdiction of the General Committee.

The Secretary of the General Committee shall promptly notify the President **Transportation Division** in the event of a vacancy in the office of Chairperson. The President **Transportation Division** shall order an election, to be held in accordance with the provisions of this **Section**, to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time of his/her election will fill the vacancy.

Vacancies in the office of Vice General Chairperson or Secretary of the General Committee shall be filled by a majority vote of the General Committee, while in session, or by secret ballot conducted by mail as follows: The Chairperson will set a period in which any member of the Committee may nominate another member of the Committee to fill the office. When the period for making nominations has expired, the Chairperson shall prepare ballots, placing the names of the candidates in alphabetical order. He/she shall furnish ballots to each member of the Committee, with notification as to the date on which the ballots must be returned for tabulation. On the date specified, the Chairperson, with the assistance of at least two members of the Committee or two officers of the nearest local, shall tabulate the ballots and certify the results to the Secretary of the General Committee. The Secretary of the General Committee shall report the results of the election to the Locals and members of the General Committee.

General Chairpersons or Executive Committee of General Committees of Adjustment may voluntarily consolidate their committees under such terms and conditions as they deem appropriate

subject to approval by two-thirds (2/3) vote of the members of each General Committee of Adjustment involved and the President **Transportation Division**.

In the event 25% of the members working under the jurisdiction of a General Committee of Adjustment petition the Secretary of the General Committee to circulate a referendum ballot on a proposition of discontinuing the officers of their committee and consolidating their committee under the officers of another committee holding similar jurisdiction on the same property, the Secretary will prepare a ballot on the proposition to be circulated among the members involved by the Secretaries of the Locals involved. Upon approval by a majority vote of the membership represented by such committee, a referendum ballot will be circulated among the membership represented by the other General Committee of Adjustment involved in the consolidation. Upon approval by a majority vote of the membership under the jurisdiction of such other committee, the officers of the committee being dissolved will, within sixty (60) days, make an orderly transfer of the property, funds, and files to the committee having jurisdiction.

If as a result of the referendum vote it is the desire of the membership represented by the two General Committees to consolidate, a referendum election will be held as provided in this **Section** to elect a General Chairperson from the two incumbent General Chairpersons. The defeated General Chairperson will become an Assistant General Chairperson of the consolidated General Committee and shall be placed in no worse position with respect to salary or compensation. His/her term of office as Assistant will expire at the same time as the General Chairperson at the next quadrennial meeting.

Nothing in this **Section** shall prevent a General Committee from providing a residence property settlement, moving expense, and transfer allowance for a General Chairperson who is required by the consolidated General Committee to relocate his/her residence as a result of a consolidation of General Committees.

SECTION 83 - RETIRED MEMBERS

Members of the United Transportation Union, **now SMART**, retired from service on account of age shall be assessed International dues of 75 cents per month, to be collected in a manner prescribed by the President **Transportation Division**. Retired members paying the 75 cents per month assessment shall be members of the United Transportation Union Alumni Association so long as such dues are paid. Provided, however, that the President **Transportation Division** with the concurrence of the Board of Directors may increase the dues from 75 cents per month to \$1.00 per month.

Payment of the aforementioned dues by retired members shall in no way affect the voting rights of such retired members of **SMART Transportation Division**.

SECTION 84 - GENERAL COMMITTEE FINANCING

Each General Committee of Adjustment must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.

4 The General Committee fund shall be deposited with the **President Transportation**
 5 **Division. The General-Secretary Treasurer** shall use such funds to pay the salaries, expenses,
 6 and other allowances necessary for the maintenance of the General Committee. The **General**
 7 **Secretary-Treasurer** shall furnish each interested Local Treasurer and the General Chairperson a
 8 monthly report showing the division of dues and assessments.

9 Dues, assessments, salaries, expenses, and other allowances established for the maintenance
 10 of General Committees, and in effect as of the effective date of unification, shall remain in effect,
 11 subject to change as provided herein.

12 Any proposition to establish or abolish full-time salaried officers of a General Committee
 13 or to increase or decrease dues, assessments, personal expense, or other allowances established for
 14 the maintenance of General Committees shall be submitted to the members of the General
 15 Committee while in session or by mail by the appropriate officer of the General Committee setting
 16 forth the specific change and effective date of such change. Such proposition must be approved by
 17 a majority vote of the members of the General Committee before being made effective.

18 All reasonable and proper expenses of a General Committee, officers, or member thereof
 19 when in the service of a General Committee shall be allowed as expense of the General Committee.
 20 An itemized statement of expenses incurred, with receipts for all items in excess of \$24.00, and any
 21 amount due for services rendered shall be submitted to the Chairperson of the General Committee.
 22 When such statements are approved they shall be submitted to the **General Secretary-Treasurer**
 23 for prompt payment. A copy of all such statements shall be furnished to the Secretary of the General
 24 Committee.

25 Where not otherwise provided for, the General Chairperson may rent office space, purchase
 26 office equipment, and employ such clerical assistance as necessary, when authorized to do so by a
 27 majority vote of the General Committee in session or by mail vote between sessions.

SECTION 85 - DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT

1 General Committees of Adjustment shall have authority to make and interpret agreements
 2 with representatives of transportation companies covering rates of pay, rules, or working conditions
 3 – subject to membership ratification in accordance with the provisions of this Article.

4 General Committees shall investigate all matters properly submitted to them and shall have
 5 the authority to alter, amend, add to, or strike out any part, or all, of any matter submitted to them.

6 In the event a matter cannot be satisfactorily adjusted, the General Chairperson may request
 7 the assistance of the President **Transportation Division**. Upon receipt of such request, the President
 8 **Transportation Division** or his/her representative shall meet with the General Chairperson, renew
 9 efforts to obtain a satisfactory adjustment of the matter and shall be vested with the same authority
 10 held by the General Committee to progress the matter to a conclusion. Any system or local
 11 adjustments agreed to by the President **Transportation Division** or his/her representatives, shall be
 12 subject to a majority vote of Local Chairpersons affected.

13 In the event the President **Transportation Division** or his/her representative and the
 14 Committee are unable to reach a satisfactory adjustment of the matter, the President
 15 **Transportation Division** may recommend to the General President who may order a strike on
 16 all or any portion of the company involved. Such strike action under this Section must be

17 authorized by a two-thirds vote of the members of the General Committee. Such vote may be taken
18 by wire, mail, or personal contact with written confirmation as the General Chairperson may direct.

19 Between sessions of the General Committee of Adjustment, the Chairperson of such
20 Committee shall exercise all rights, privileges, and authority vested in the General Committee,
21 except as otherwise directed by the General Committee while in session, subject to the membership
22 ratification provisions of this **Section**.

23 The General Chairperson must poll the entire membership holding seniority and working in
24 the craft involved on the property by mail referendum ballot prior to signing any system agreements
25 and be governed by the majority of the votes cast.

26 Upon completion of the balloting for a system agreement, the General Chairperson will
27 prepare a report designating the result of the vote. A copy of the report shall be submitted to each
28 affected Local within 30 days after the close of balloting.

29 The General Chairperson must poll the affected Local Chairpersons prior to signing any
30 local agreement and be governed by the majority of the votes cast.

31 Upon completion of the balloting for a local agreement, the General Chairperson will
32 prepare a report designating the result of the vote of each Local Committee. A copy of the report
33 shall be submitted to each affected Local within thirty (30) days after the close of the balloting.

34 A General Committee may elect from its members a sub-committee and vest such committee
35 with authority of the General Committee of Adjustment to adjust such matters as may be assigned
36 to it by the General Committee. The Chairperson of the General Committee shall be Chairperson of
37 all such subcommittees.

38 General Committees or subcommittees of General Committees of Adjustment making
39 settlement of matters referred to them shall, within thirty (30) days of such settlement, notify the
40 interested Local Chairpersons and Secretary of the Locals in which the matters originated of the
41 action taken.

42 Actions or decisions of a General Committee shall be binding upon the members and Locals
43 under the jurisdiction of such General Committee unless reversed or modified upon appeal as
44 provided in **Section 75 of Article 21B**.

(NOTE: Delegates moved that this **Section 85** would be interpreted that a **SMART**
Engineer working under another union's agreement would vote as a
fireman on any agreement involving firemen.)

SECTION 86 - VACATIONS – GENERAL COMMITTEEPERSONS

1 Full-time officers and employees of General Committees of Adjustment shall be granted
2 vacation with pay, consistent with the terms of the National Vacation Agreement, based upon
3 earnings from their Committee. Such vacations may be split if desired but will not be carried over
4 from one year to the next.

5 Officers and members of General Committees employed on a part-time basis shall be paid
6 the difference between the amount of vacation pay allowed by their carrier and the amount of
7 vacation pay they would have received had their wages with the General Committee been earned
8 with the carrier, except, if they do not work a sufficient amount of time with their carrier to qualify

for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the General Committee.

Vacation allowances provided herein shall be paid by the **General Secretary-Treasurer** from the General Committee fund upon approval of the vacation claim by the General Chairperson and Secretary of the General Committee. This **Section** is intended to prevent any loss in vacation time and pay as a result of serving the General Committee.

SECTION 87 - CHAIRPERSON OF GENERAL COMMITTEE

The Chairperson of a General Committee of Adjustment shall be its executive head, preside over all meetings, and exercise general supervision over its affairs and interests.

The Chairperson shall furnish a quarterly report of his/her activities to all Local Chairpersons and Locals under his/her jurisdiction and use such other means as necessary to keep the membership well informed. He/she shall attach to the report an itemized statement of receipts and disbursements of his/her Committee which shall be furnished by the **General Secretary-Treasurer** in sufficient number for distribution with this report.

The Chairperson shall convene the General Committee upon request of a member of said Committee provided (1) a 2/3 majority of the Committee concurs in such request, and (2) sufficient funds are available.

The Chairperson shall perform such other duties as may be required by the General Committee and this Constitution.

SECTION 88 - VICE CHAIRPERSONS OF GENERAL COMMITTEE

The Vice Chairpersons of a General Committee of Adjustment shall act for or on behalf of the Chairperson when so directed by the Chairperson. They shall perform such other duties as may be delegated to them by the General Committee of Adjustment.

SECTION 89 - SECRETARY OF GENERAL COMMITTEE

The Secretary of a General Committee of Adjustment shall keep a record of the proceedings of each meeting. He/she shall issue notices of meetings when so directed by the General Chairperson. He/she shall have charge of the books and papers of the Committee pertaining to this office. The Secretary shall prepare and furnish the President **Transportation Division, General Secretary-Treasurer**, each Local Chairperson and each Local Secretary a copy of the proceedings of the Committee within twenty (20) days of the close of each session. He/she shall notify the President **Transportation Division and General Secretary-Treasurer** the names and addresses of the General Committee immediately following their election.

The Secretary shall perform such other duties as might be required by the General Committee and this Constitution.

SECTION 90 - MERGERS, LEASES, COORDINATIONS, ETC.

1 When, through lease, purchase, merger, consolidation or other cause, a line or lines of a
 2 carrier or a portion thereof is taken over by another carrier or where, because of establishment of a
 3 new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier
 4 to another or from one road and/or yard seniority district to another on the same carrier and such
 5 affects the seniority rights of employees on such carriers, General Committees of Adjustment shall
 6 arrange for a fair and equitable division of the work. Prior seniority rights of employees to service
 7 on their former seniority district or territory shall be preserved to the extent possible. Permanently,
 8 as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30)
 9 days.

10 General Committees shall give consideration to all factors involved, including but not
 11 limited to hours worked, cars and tonnage handled where applicable, and mileage of operations on
 12 each seniority district or territory involved prior to the change in operation, consolidation, or the
 13 diversion or re-routing of traffic.

14 In circumstances in which a new line is established by a carrier and no seniority rights exist,
 15 employees from the line from which traffic is diverted, will be transferred to the new line in equal
 16 percentage to the mileage of the traffic diverted from the old line. If the portion of line transferred
 17 is insufficient in extent to constitute a separate seniority district, the employees taken over therewith
 18 in the merger may be placed on the roster of the proper seniority district to which the merged line
 19 is attached with seniority on such roster in their respective classes from a date not later than the date
 20 of merger.

21 In applying this **Section** to bus lines the **Transportation Division** and its Legislative
 22 Department will intervene with the STB for a reservation of jurisdiction, for the imposition of
 23 conditions, for at least three (3) years for employees who may be adversely affected.

24 Disputes arising under this **Section** which cannot be resolved by the General Committee or
 25 General Committees shall be referred to the President **Transportation Division**. The President
 26 **Transportation Division** shall promptly assign an officer to assist the General Committee or
 27 General Committees involved in resolving the dispute. Failing to resolve the dispute the officer shall
 28 make a complete report and recommendation to the President **Transportation Division** who, in
 29 turn, shall decide the dispute.

30 Any Local or member of a Local affected by action or decision of a Chairperson, or General
 31 Committee, or by the decision of the President **Transportation Division** with respect to this **Section**
 32 may appeal such action or decision to the Board of Appeals, provided such appeal is filed with the
 33 **General Secretary-Treasurer** within ninety (90) days from the date of the action or decision. The
 34 Chairperson, General Committee, or President **Transportation Division**, as the case may be, shall
 35 be allowed thirty (30) days from the date the appeal is filed in which to reply to the appeal. The
 36 parties involved in an appeal shall exchange copies of the appeal and reply to the appeal.

SECTION 91 - ASSOCIATION OF GENERAL CHAIRPERSONS

1 The Chairpersons of the General Committees in each district, as hereinafter set forth, shall
 2 form an Association of General Chairpersons, each to function independently of the other, for the

3 purpose of formulating concerted movements relating to wages, rules, and working conditions of
4 transportation service employees in their district.

5 District No. 1 shall include all rail lines in the United States.

6 District No. 3 shall include all bus lines in the United States.

7 All General Chairpersons on properties where the combined membership represented by
8 **SMART Transportation Division** is one hundred (100) or more, shall be members of the
9 Association of General Chairpersons in their respective districts as outlined above. Where the
10 combined membership represented by **SMART Transportation Division** on a property is less than
11 one hundred (100) the General Chairpersons on that property shall elect one of their group to be a
12 member of the Association in their respective districts. Members of the Association of General
13 Chairpersons shall attend all meetings of their Association and represent their committees with pay
14 and proper expenses to be paid from the General Fund of the International.

15 The President **Transportation Division** shall convene the General Chairpersons during the
16 year 1969 for the purpose of organizing the Association in each district. Each district shall elect, by
17 secret ballot, a Chairperson, a Vice Chairperson, and a Secretary to serve as officer of their
18 Association.

19 Following the reorganization of General Committees in 1971, and quadrennially thereafter,
20 the President **Transportation Division** shall convene the Association of General Chairpersons for
21 the purpose of reorganizing and electing officers.

22 Each Association shall adopt bylaws for its special government consistent with the
23 provisions of this Constitution.

24 The Association will be convened by the President **Transportation Division** whenever
25 necessary and will be convened by him when a majority of the General Chairpersons within a district
26 of the Association request a special meeting, provided the requests are uniform in object and purpose
27 and the meeting is limited to subjects over which the Association has jurisdiction.

28 In any general or concerted wage-rules movement, members in an Association cannot
29 withdraw support of a movement which has been approved by a two-thirds vote of the members of
30 an Association, unless sanction thereto is given by a majority vote of eligible members of the
31 Association and approved by the President **Transportation Division**. In the event any
32 transportation company refuses to be represented by the conference committee representing the
33 companies in a general or concerted movement, the President **Transportation Division** may
34 exclude the General Committee on such company from participation in the movement.

35 A strike may be authorized by the President **Transportation Division, with approval of**
36 **the General President**, in support of a general or concerted wage-rules movement, provided such
37 action **under this Section** is approved by a two-thirds vote of the members in any Association. Such
38 vote may be taken as the President **Transportation Division** may direct by mail, wire, or while in
39 session.

40 In any general or concerted wage-rules movement the President **Transportation Division**
41 shall appoint a negotiating committee representative of each of the former organizations and crafts
42 represented by them, which are involved in the movement. The negotiating committee shall assist
43 in the prosecution of the wage-rules movement as directed by the President **Transportation**
44 **Division**.

45 When in the judgment of the President **Transportation Division** and the negotiating
46 committee a final offer of settlement has been received, the offer with the committee's
47 recommendation shall be submitted by referendum to the Membership of the crafts involved in the

movement for their acceptance or rejection. Following receipt of the offer of settlement, each General Chairperson shall have fifteen (15) days to submit questions pertaining to the offer. The negotiating committee will, consolidate the submitted questions into a single, uniform list. When the answers to these questions are determined by the negotiating committee and the carriers' representatives, the agreed-upon questions and answers will be distributed to the General Chairpersons and made a part of the offer of settlement.

A majority of the members voting of each of the crafts to be covered or affected by the terms of the proposed agreement shall be required to ratify the offer of settlement.

The terms of the settlement shall be submitted, by the President **Transportation Division**, to each Local involved in the movement, in sufficient quantity to permit circulation to the membership, and/or the terms may be mailed to each member in a special edition of the **SMART Transportation Division News**. Recommendations of the President **Transportation Division** and/or Negotiating Committee may be included along with a digest or summary of the provisions of the settlement.

The Board of Directors shall establish and publish procedures for the conduct of referendum elections which shall thereafter be contained as an appendix to this **Section**; guaranteeing each affected member the right-to-vote on wages, rules and working conditions.

Voting and tabulation of the results must be completed within twenty-one (21) days from the date the proposal is dispatched or presented by the President **Transportation Division**. The final result and tabulation of voting shall be furnished to each Local involved in the movement and shall be printed in the **SMART Transportation Division News**.

APPENDIX: Agreements shall be sent via first-class mail in an envelope marked "Important – Agreement and Ballot Enclosed". The ballot will be a self-addressed, postage paid postcard that will contain space for the member to print name, Local number and railroad employer, or a telephone electronic voting system supervised by the American Arbitration Association or similar neutral organization.

SECTION 92 - STRIKES

When a strike has been inaugurated by **SMART Transportation Division**, the President **Transportation Division**, shall be the recognized leader and shall have authority, in conjunction with the **General President**, to appropriate from the Strike Fund such money for legal assistance and incidental expenses as may be required for a successful prosecution of the strike.

Every member of **SMART** shall be duty bound to comply with strike orders of **SMART**. A member who neglects or refuses to do so and who takes the place or performs the duties of a striking member shall be expelled from **SMART** upon conviction thereof under the trial procedures of **Article 21B**.

Any member of **SMART** who crosses the picket lines of **SMART**, or the picket lines of any other railroad union(s) that **SMART** has recognized as on legal authorized strike, for the purpose of assisting the struck carrier(s) by rendering service, consultation, or advice for wages, profit, gain, or gratis, will pay a fine of one thousand dollars (\$1,000.00), and in addition to such fine if such member received any wages, compensation, or remuneration for time, expense, consultation, for

14 service rendered to such carrier(s) during the strike that member will also be fined two dollars
 15 (\$2.00) for every one dollar (\$1.00) received upon conviction thereof under the trial procedures of
 16 **Article 21B.**

17 The cost and expense of such trials will be borne solely by the Locals conducting the trials
 18 and all fines collected by such Locals will be retained by the Local conducting the trial.

19 Any member of **SMART** who participates in a strike which has not been legally authorized
 20 shall be expelled from **SMART** upon conviction thereof under the trial procedures of **Article 21B.**

21 The President **Transportation Division** and the General Committee of Adjustment, may
 22 terminate a strike. In the event of a difference of opinion between the President **Transportation**
 23 **Division** and the General Committee of Adjustment as to the advisability of terminating a strike,
 24 the matter shall be referred to the **General President** for a final decision. **The** discontinuance of
 25 strike benefits shall be decided by the **General President.**

26 Strikes inaugurated by the **SMART Transportation Division** – Members of crafts
 27 represented by the **SMART Transportation Division** who engage in a strike inaugurated by the
 28 **SMART Transportation Division**, including striking members who were employed under the
 29 jurisdiction of another organization, will be paid strike benefits as provided herein beginning with
 30 the third day following the day on which the strike was inaugurated.

31 Strikes inaugurated by other recognized Unions – Members of the **SMART Transportation**
 32 **Division**, who are unemployed due to any recognized union representing employees of the railroads
 33 or other transportation companies being on legal strike, shall be allowed strike benefits for a period
 34 not to exceed sixty (60) days as though they were active participants in the strike. However, the
 35 sixty (60) days limit may be extended in unusual circumstances determined by the President
 36 **Transportation Division** and **General President.**

37 Qualifications – In order to qualify for strike benefits, members must withdraw from service
 38 at the outset of the strike, register each day, and perform or be available to perform picket duty as
 39 required by the Local having jurisdiction. A member must verify his/her correct address and Social
 40 Security number with the Local Treasurer for the purpose of mailing benefit checks.

41 Strike benefits will be \$100.00 per day and will not exceed a maximum of \$1,200.00 per
 42 month.

43 Strike benefits shall be allowed for a period not to exceed one hundred twenty (120) days
 44 as the result of one strike. However, the one hundred twenty (120) days' limit may be extended in
 45 unusual circumstances determined by the **President Transportation Division and General**
 46 **President**, except as specified in lines **23-29.**

47 Procedures for claiming benefits – Upon inauguration of a strike by the **SMART**
 48 **Transportation Division** or upon authorization of strike benefits to **SMART Transportation**
 49 **Division** members in the case of a recognized Union representing employees of railroads or other
 50 transportation companies being on legal strike, the President **Transportation Division** shall notify
 51 the **General Secretary-Treasurer** accordingly.

52 Upon receipt of such notification, the **General Secretary-Treasurer** shall prepare a list, in
 53 duplicate, and furnish each local involved, showing all members of each local having jurisdiction
 54 over striking members or members who may be affected by a legal strike or a recognized union as
 55 they appear on monthly billing including home addresses, space for Social Security number or social
 56 insurance number, occupation and length of service which shall be identified as Form #1. The
 57 President and Treasurer of each Local shall complete Form #1 by filling in the required blanks and

return one (1) copy to the **General Secretary-Treasurer** within ten (10) days. Form #1 must be signed by the President and Treasurer of the Local and notarized by a notary public.

Upon receipt of Form #1, the **General Secretary-Treasurer** shall prepare a strike payroll, in duplicate, from the information contained therein. The strike payroll shall be known as Form #2 and shall list striking members in alphabetical order with space provided for number of days for which payment is claimed and amount of payment due. The Local Treasurer will fill in the spaces as indicated noting any changes from Form #1, i.e., additions, deletions, E-49, sick or injured, vacation, death, retired, or members who, for any reason, are not available for picketing or other duties required by the Local. The Treasurer shall return the completed Form #2 on the 15th and the last day of the month. The Local seal must be affixed to all payrolls.

Upon receipt of strike payrolls, the **General Secretary-Treasurer**, when directed by the President **Transportation Division**, shall issue checks drawn upon the strike fund for payment. The **General Secretary-Treasurer** will mail strike benefits to all members entitled to receive benefits, whose proper address appears on Form #1. A copy of Form #2 will be mailed to the Local Treasurer.

In the event of a general strike by the **SMART Transportation Division** or by other unions representing employees of railroads or other transportation companies, the **General President** may suspend all strike benefits if such action becomes necessary for the protection of **SMART** funds.

When a strike of any other nationally recognized labor organization is in effect and danger to the safety of our members exists in or about the area affected by the strike, and/or if there exists any substantial present or potential threat of danger to the members enroute to or from their work, and/or to the members' families, it is the policy of **SMART** to support its members in declining to enter the territory directly affected.

SECTION 93 - LEGISLATIVE DEPARTMENT

The Legislative Representatives of each Local in each State and in the District of Columbia, shall form a State or District Legislative Board for the purpose of protecting the legislative interests of the members under its jurisdiction.

Officers of a State or District Legislative Board shall be a Chairperson, one or more Vice Chairpersons, Secretary and/or Treasurer where required by state law, and a State or District Legislative Director, an Assistant State Legislative Director where desired by the State Legislative Board. Such officers shall also be the Executive Committee of such State or District Legislative Board.

In states where prior to the first reorganization meeting in 1972 there were salaried State Legislative Directors on a full-time basis, the Board shall retain such positions; provided, any proposition to establish or abolish a salaried State Legislative Director, or Assistant Legislative Director on a full-time basis must be approved by a two-thirds (2/3) majority vote of the members of the Legislative Board.

Beginning in 1972 the Chairperson of each State and District Legislative Board shall convene the full Legislative Board not later than May 31st following the completion of the quadrennial elections for Local Legislative Representatives for reorganizational purposes which shall include the election of officers and adoption of bylaws and procedures.

Beginning with the first reorganization meeting not more than two (2) officers of the Executive Committee shall be elected from any one craft except by a two-thirds (2/3) vote of the Legislative Board.

Incumbent officers and members of the Legislative Board shall be eligible for election to the offices of the Executive Committee.

Nothing in this **Section** shall prevent a Legislative Board from providing a residence property settlement, moving expenses and transfer allowance for a Legislative Director who is required by the consolidated Legislative Board to relocate his/her residence as a result of a consolidation of State Legislative Boards.

If the Local Legislative Representative is unable to attend a meeting of the full State or District Legislative Board, the Alternate Legislative Representative of such Local shall attend the meeting and represent his/her Local.

The officers of the Executive Committee and Alternate State Legislative Director shall be elected by secret ballot of the members of the Legislative Board during the quadrennial meeting except as otherwise provided herein.

The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner.

Officers of the Executive Committee shall assume the duties of their offices upon election and their term of office shall extend for four (4) years.

The Director will cast the deciding vote in case of a tie vote on matters other than elections. In case of a tie vote in elections, after the fifth secret ballot, the Director shall then be permitted to vote.

In states where there is a Legislative Director and an Assistant Legislative Director, a vacancy in the office of Legislative Director shall be filled by the Assistant Legislative Director. A vacancy in the office of Assistant Legislative Director shall be filled by the Alternate Legislative Director. Any other vacancy shall be filled by a majority vote of the Legislative Board in accordance with the Board's bylaws and procedures.

The Chairperson of each State or District Legislative Board shall preside over all meetings. He/she shall, through the Secretary of the Legislative Board, issue the necessary summons to convene the Executive Committee and/or Legislative Board as required by **Article 21B** and at such other times as may be necessary.

Each State or District Legislative Board may adopt its bylaws and procedures, including the filling of vacancies, establishing salaries, setting the amount of Legislative Board dues, and such other matters necessary for its operation, subject to the provisions of **Article 21B**.

SECTION 94 - STATE OR DISTRICT LEGISLATIVE BOARD FINANCING

Each State or District Legislative Board must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of such State or District Legislative Board through assessments levied upon the members under their jurisdiction.

The State or District Legislative Board funds shall be deposited with the **President Transportation Division. The General Secretary-Treasurer** shall use such funds to pay the

6 salaries, expenses, and other allowances necessary for the maintenance of the State or District
7 Legislative Board.

8 Dues, assessments, salaries, expenses, and other allowances established for the maintenance
9 of State or District Legislative Boards and in effect as of January 1, 1969, shall remain in effect
10 subject to change as provided herein.

11 Any proposition to increase or decrease dues, assessments, personal expense, or other
12 allowances established for the maintenance of the State or District Legislative Boards shall be
13 submitted to the members of the State or District Legislative Board while in session or by mail by
14 the Secretary of the State or District Legislative Board setting forth the specific change and effective
15 date of such change. Such proposition must be approved by a majority vote of the members of the
16 State or District Legislative Board before being made effective.

17 All reasonable and proper expenses of a State or District Legislative Board, Executive
18 Committee, or officer or member thereof when in the service of a Legislative Board shall be allowed
19 as expense of the Legislative Board. An itemized statement of expenses incurred, with receipts for
20 all items in excess of \$24.00, and any amount due for services rendered shall be submitted to the
21 Director of the Legislative Board. When such statements are approved they shall be submitted to
22 the **General Secretary-Treasurer** for prompt payment. A copy of all such statements shall be
23 furnished to the Secretary of the Legislative Board.

24 The State or District Legislative Director may rent office space, purchase necessary office
25 equipment, and employ such clerical assistance as necessary when authorized to do so by a majority
26 vote of the Board in session or by mail vote between sessions.

SECTION 95 - DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS

1 The Executive Committee of each State or District Legislative Board may be convened by
2 the Director at least forty-five (45) days, where possible, prior to each primary and general election,
3 for the purpose of endorsing candidates for State offices and to make recommendations for
4 candidates for the U.S. Senate and the House of Representatives and to transact such other business
5 as may be necessary.

6 State Legislative Directors will promptly advise the President **Transportation Division** and
7 the National Legislative Director of all endorsements of State Candidates and recommendations for
8 Members of Congress made by the Executive Committee.

9 The State or District Legislative Directors may remain in the capital during sessions of the
10 Legislature, when so authorized by the Legislative Board, and shall devote all of his/her time to
11 securing the enactment of such laws, or the repeal or modification of such other laws as directed by
12 the Legislative Board. He/she shall organize opposition to and appear before appropriate agencies
13 to oppose discontinuance of trains and buses. He/she shall urge compliance with all laws which
14 protect the welfare of members of **SMART** and shall promptly report violations of State laws and
15 regulations to the proper State enforcement agency. Violations of all Federal laws and regulations
16 shall be reported to the National Legislative Director or proper Federal agency.

17 An additional Director or Directors may remain at the capital to assist in legislative matters,
18 when recommended by the Executive Committee and approved by the President **Transportation**
19 **Division**. He/she shall perform such duties as may be assigned by the President **Transportation**
20 **Division**.

21 The Secretary of the State or District Legislative Board shall keep a record and make a report
 22 of the proceedings of all meetings of the Legislative Board and the Executive Committee and shall
 23 furnish the Legislative Representative and Secretary of each Local, under the jurisdiction of the
 24 Board, and the President **Transportation Division** with a copy of the report.

25 Full-time Legislative Directors shall make a quarterly report of their activities to Secretaries
 26 and Legislative Representatives of all Locals under their jurisdiction and use such other means as
 27 necessary to keep the membership well informed. They shall attach to the report an itemized
 28 statement of receipts and disbursements of the Board which shall be furnished to them by the
 29 **General Secretary-Treasurer**. A copy of this report shall be furnished to the President
 30 **Transportation Division**.

31 Part-time State or District Legislative Directors or Assistant Directors may, when
 32 recommended by the Executive Committee and approved by the President **Transportation**
 33 **Division**, visit Locals and appear before commissions or other agencies in **SMART's** behalf. They
 34 shall be authorized to cooperate with other organizations to this end. They shall perform such other
 35 duties as may be required by their Legislative Board by-laws and **Article 21B**.

36 All proposed legislation shall be submitted to the President **Transportation Division** for
 37 approval and copies of all bills introduced which may be detrimental to labor shall be forwarded by
 38 Legislative Directors to the President **Transportation Division**.

39 Questions of jurisdiction involving Legislative Boards and General Committees pertaining
 40 to laws, abandonments, and/or borderline matters shall be referred to the President **Transportation**
 41 **Division** for decision.

42 Any **Transportation Division** member using his/her influence in the name of **SMART** to
 43 defeat any action taken by the National Legislative Director or a State or District Legislative Board
 44 shall, upon conviction thereof, be expelled.

45 Officers and members of State and District Legislative Boards shall be under the direction
 46 of, and cooperate with, the National Legislative Director on all National Legislative policies and
 47 proposed Federal legislation established by the International. They shall cooperate with the
 48 Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of
 49 **SMART Transportation Division**.

50 On any legislative issue which involves the discontinuance of engine-service positions on
 51 railroads, the Executive Committee will authorize an engine-service officer of the Legislative
 52 Boards to handle such issues under the supervision of the Executive Committee.

SECTION 96 - VACATIONS – STATE OR DISTRICT LEGISLATIVE BOARDS

1 Full-time officers and employees of State or District Legislative Boards shall be granted
 2 vacation with pay, consistent with the terms of the appropriate Vacation Agreement, based upon
 3 earnings from their Boards. Such vacations may be split but will not be carried over from one year
 4 to the next.

5 Officers and members of such Legislative Boards employed on a part-time basis shall be
 6 paid the difference between the amount of vacation pay allowed by their carrier and the amount of
 7 vacation pay they would have received had their wages with the Legislative Board been earned with
 8 the carrier. However, if they do not work a sufficient amount of time with their carrier to qualify

for a vacation, they shall be allowed a vacation with pay consistent with the terms of the appropriate Vacation Agreement based upon their total earnings with the carrier and the Legislative Board.

Vacation allowances provided herein shall be paid by the **General Secretary-Treasurer** from the appropriate Legislative Board fund upon approval of the vacation claim by the Chairperson and Secretary of the Legislative Board. This **Section** is intended to prevent any loss in vacation time and pay as a result of serving the Legislative Board.

SECTION 97

Deleted in its entirety

SECTION 98

Deleted in its entirety

SECTION 99

Deleted in its entirety

SECTION 100 - DECLARATION OF POLICY OF THE TRANSPORTATION DIVISION REGARDING INTERNATIONAL EMPLOYEES

(1) No officer or other representative of **SMART** shall deny or in any way question the right of **Transportation Division** employees to:

(a) Join, organize or assist in organizing a labor organization or association of their choice.

(b) Determine their bargaining representatives in accordance with applicable Federal or State laws.

(c) Bargain collectively through their duly designated bargaining representatives.

(2) **SMART** will as a matter of policy maintain for its **Transportation Division** non-bargaining unit employees the same wages and working conditions presently enjoyed by such employees, including the practice of increasing or decreasing rates of pay based upon general increase or decreases in the pay of train and yard service employees represented by **SMART Transportation Division, subject to final budget approval.**

(3) **Transportation Division** employees will receive no preferential treatment based upon membership in **SMART** or the absence of such membership.

(4) For the information and guidance of **Transportation Division** officers and employees, the President **Transportation Division** will compile and publish a manual showing the wages and working conditions applicable to **Transportation Division** employees. If and when changes are made appropriate supplements will be issued for inclusion in said manual. All **Transportation Division** officers and employees will be furnished with copies of this manual and the supplements thereto.

(5) If and when **Transportation Division** employees establish a collective bargaining procedure in accordance with applicable State or Federal laws and through the exercise of that

23 procedure an agreement covering wages and working conditions of **Transportation Division**
 24 employees is consummated, Item 2, hereof, becomes void and of no effect.

ARTICLE TWENTY-TWO (22)

Production Worker Local Unions

SECTION 1—REPRESENTATION AND BARGAINING

1 **SEC. 1.** This Association or any local union chartered for such purpose acting through its
 2 or their duly authorized officers or representatives shall have authority to represent and bargain
 3 collectively for employees performing production work. Production local unions shall file with
 4 the General Office copies of all agreements between them and employers of employees represented
 5 by them.

SECTION 2

7 **SEC. 2.** The provisions of Sections 1(c), 2, 3(a), 6, 9(f), 9(j), 9(k), 9(r), 10(a), and 10(b),
 8 of Article Sixteen (16) and Article Twenty-Six (26) shall not apply to production worker members
 9 of production local unions.

10 The exemption of Article Sixteen (16), Section 10(a), contained in the first sentence of this
 11 Section does not apply to such employees of employers engaged in the production or
 12 manufacturing field in this industry who are not permitted to work or be sent outside of the shops
 13 or plants in which they are employed to perform work except to inspect warranty failure and to
 14 supervise the correction of faulty products.

SECTION 3

16 **SEC. 3.** The special rules specified in this Article shall apply only to production local
 17 unions and the members thereof and to production worker members of other local unions and shall
 18 not apply to any other local unions or members unless specifically so provided in this Constitution.
 19 All of the provisions and requirements of this Constitution governing the administration and
 20 operation of local unions and the duties and obligations of officers, representatives, and members
 21 thereof except to the extent that they are modified by the provisions of this Article, shall apply to
 22 production local unions, the officers, representatives, and members thereof.

SECTION 4—GOVERNMENT

24 **SEC. 4.** Production local unions shall not adopt any rules, regulations or policies which in
 25 any way conflict with the provisions or intent of this Constitution nor shall any additional rules or
 26 regulations not included in this Constitution be adopted until they have been first submitted to the
 27 General Secretary-Treasurer for consideration and official notice of approval received from the
 28 General Secretary-Treasurer.

SECTION 5—REQUIREMENTS FOR LOCAL UNION CHARTER

SEC. 5. Ten (10) or more persons who qualify for membership in accordance with the provisions of Article Sixteen (16) of this Constitution may make application for membership and for a production local union charter.

SECTION 6—APPLICATION FOR MEMBERSHIP, INITIATION AND INITIATION FEE

SEC. 6(a). Initiation. Production local unions may accept an applicant for membership into the local union if the applicant fulfills the following obligations of membership.

The applicant completes, signs and forwards to the financial secretary-treasurer of the local union the standard official form of application for membership into production local union. Said application form shall contain a statement to the effect that he or she agrees to be governed by the principles and policies of this Association and the Constitution thereof as they then exist or as they may be changed or amended thereafter and that he or she will further abide by the valid rules and decisions of the local union.

SEC. 6(b). Initiation Fee. Each applicant for membership shall be initiated upon receipt by the local union of his or her first month's dues which payment must be made within thirty-one (31) days after he or she files his or her application for membership.

All production local unions shall charge an initiation fee of not less than Twenty-Five Dollars (\$25.00). Not less than forty-five percent (45%) of each initiation payment plus the International monthly per capita dues shall be forwarded to the General Office. The International initiation fee shall be Eleven Dollars and Twenty-Five Cents (\$11.25) or forty-five percent (45%) of the local union initiation fee, whichever is greater, and shall be forwarded to the General Office within six (6) months after application for membership.

At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund.

Dues shall be paid in advance beginning with the month in which the initiation is properly recorded, accepted, and acknowledged by the General Secretary-Treasurer. No local union is authorized or permitted to lower its initiation fee below the amount specified in this Section without permission from the General President.

SEC. 6(c). The financial secretary-treasurer shall read the names of the applicants for membership at the next regular meeting of the local union following receipt of the application.

SEC. 6(d). The financial secretary-treasurer shall read the names of all members initiated since the last regular meeting.

SEC. 6(e). After the applicant is initiated, the financial secretary-treasurer shall so certify over his or her signature on the standard form of application, affix the seal of the local union, endorse thereon the date of initiation and the amount of initiation fee paid and promptly forward the original official application and obligation to the General Secretary-Treasurer.

In the event an applicant is initiated and fails to pay his or her full initiation fee in accordance with the provisions of Section 6(b) herein, he or she shall be automatically suspended from membership.

Anyone who shall certify to any false statement or answer on the official form of application for membership or who shall otherwise by false pretense, misrepresentation, or fraud attempt to secure membership in this Association or any local or council thereof, shall immediately forfeit all rights and further consideration of his or her application and forfeit all monies paid by him or her toward initiation fee.

SECTION 7—REINSTATEMENT AND REINITIATION FEE

SEC. 7(a). Production local unions shall charge a reinstatement fee of Fifty Dollars (\$50.00), of which forty-five percent (45%) shall be sent to the General Secretary-Treasurer as an International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. In any case such reinstated member shall additionally pay dues in advance beginning with the month in which reinstatement is properly recorded by the General Secretary-Treasurer.

SEC. 7(b). Production local unions shall charge not less than Fifty Dollars (\$50.00) for reinitiation fee, of which Twenty-Two Dollars and Fifty Cents (\$22.50) or forty-five percent (45%), whichever is greater, shall be sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. In any case such reinitiated member shall additionally pay dues in advance beginning with the month in which reinitiation is properly recorded by the General Secretary-Treasurer.

SEC. 7(c). The individual reinstating or reinitiating to membership may, at the option of the local union, have a time period of up to twelve (12) months to pay the reinstatement or

102 reinitiation fee.

103 **SECTION 8**

104 **SEC. 8.** Production local unions shall be permitted but not required to join any state,
105 provincial, or district council covering the territory in which such production local unions are
106 located.

107 **SECTION 9—DUES PAYMENT**

108 **SEC. 9.** All production local unions shall comply strictly with all provisions and
109 requirements of this Constitution with regard to the payment of dues and other obligations and the
110 proper acknowledgement and recording of same on official receipts in triplicate form prescribed
111 by the General Secretary-Treasurer.

112 **SECTION 10 — TRANSFER**

113 **SEC. 10(a).** Production worker members shall have the right to transfer from one
114 production worker local union to another or to a mixed local union as a production worker in
115 accordance with the requirements of Section 9 of Article Sixteen (16), but shall not be permitted
116 to transfer to a building and construction trades local union as a building tradesman, except as
117 provided in Section 10(b) of this Article.

118 **SEC. 10(b).** No production worker member shall be entitled to transfer to a building and
119 construction trades local union as a building tradesman unless, after appearance before an
120 examining board of the building and construction trades local union, he or she is able to
121 demonstrate that he or she is capable of performing the type of sheet metal work coming within
122 the jurisdiction of such local building and construction trades union in accordance with the
123 standards of workmanship established by such local union. Any production worker member who
124 is admitted by transfer card to any local union of this Association shall pay to said local union the
125 difference, if any, between the amount of initiation fee actually paid prior to his or her transfer as
126 recorded in the General Office and the established initiation fee of the local union in which his or
127 her transfer card is deposited and accepted.

128 **SECTION 11—UNION EMPLOYER**

129 **SEC. 11.** No shop, plant, facility or subdivision thereof shall be considered “Union” unless
130 the employer is a party to a collective bargaining agreement with this Association or one of its
131 affiliated local unions which provides that all employees in the collective bargaining unit shall
132 become and remain members of this Association except that, in those states in which a union shop
133 agreement is contrary to law, the requirements of this Section will be satisfied if all employees
134 within the unit have voluntarily become and remain members of this Association.

135

SECTION 12—STEWARDS

136 **SEC. 12.** Such stewards as may be necessary to properly perform the applicable function
 137 and duties as described in Section 2 of Article Fifteen (15) shall be appointed by the business
 138 manager, or by the president if there is no business manager. The requirement in Article Twelve
 139 (12), Section 3 of two (2) years continuous good standing in the local union shall not apply to this
 140 Section.

141

SECTION 13—WITHDRAWAL CARDS

142 **SEC. 13(a). Eligibility.** Except as otherwise provided in this Section, any member in good
 143 standing who leaves the trade as a sheet metal worker and accepts employment in other industries
 144 or in other trades shall, subject to the provisions of this Constitution, immediately make application
 145 for and be issued a withdrawal card. No member in good standing against whom charges are
 146 pending or not disposed of shall be entitled to a withdrawal card. The General Secretary-Treasurer
 147 shall invalidate a withdrawal card upon receiving notice that a member on withdrawal card is
 148 performing work covered by the claimed jurisdiction of this Association.

149 **SEC. 13(b). Application.** Application for withdrawal cards shall be made to the financial
 150 secretary-treasurer of the local union of which the applicant is a member. Such application shall
 151 be accompanied by payment of all dues, fees, and other financial obligations due the local union
 152 and this Association to and for the month in which the withdrawal card is issued, plus Five Dollars
 153 (\$5.00) withdrawal card fee.

154 **SEC. 13(c). Employee Stock Ownership Plan (ESOP).** A member who acquires stock
 155 ownership with a signatory employer pursuant to an ESOP negotiated with the member's local
 156 union shall be prohibited from receiving a withdrawal card.

157 **SEC. 13(d). Rights and Duties.**

158 1. **Reinstatement.** A member on withdrawal card who is eligible for membership who
 159 wishes to return to employment as a sheet metal worker and become reinstated to membership,
 160 shall have the right to deposit his or her withdrawal card with the local union which issued the
 161 same and apply for reinstatement. The fee for reinstatement on a valid withdrawal card shall be a
 162 minimum of Fifteen Dollars (\$15.00), and a maximum of Fifty Dollars (\$50.00) of which forty-
 163 five percent (45%) shall be sent to the General Secretary-Treasurer as an International
 164 reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section
 165 shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis
 166 determined by the General Executive Council between the Sheet Metal Workers' Local Unions
 167 and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and
 168 Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent
 169 (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The General
 170 Secretary-Treasurer may reduce or waive the withdrawal reinstatement fee for a local union, upon
 171 request. Deposit of withdrawal card for purpose of reinstatement may be made by mail or by other
 172 method of delivery.

If the local union which issued a withdrawal card has ceased to exist, the holder of such card, if eligible for membership, who desires reinstatement shall deposit same with any local union and apply for reinstatement.

2. Penalties. Any member who fails or refuses to request and receive a withdrawal card in accordance with the provisions of this Constitution within thirty (30) days from the change of his or her employment status, as provided herein, shall not be permitted to pay any further dues or fees to his or her local union or this Association and at the expiration of two (2) months from the date of this change of employment status shall automatically forfeit his or her membership and all of the rights and privileges in connection therewith. In the event the holder of a withdrawal card fails or refuses to comply with the conditions provided in this Section, the local union issuing the withdrawal card or the General Secretary-Treasurer, shall cancel same and no privileges and benefits in connection therewith shall be reinstated except upon reinitiation in accordance with the provisions of this Constitution.

Notice of any cancellation of withdrawal card shall be sent to the individual involved and to the General Secretary-Treasurer.

ARTICLE TWENTY-THREE (23)

Pre-apprentices and Apprentice-Members

SECTION 1

SEC. 1. Any person meeting all the requirements and qualifications of the local union apprenticeship standards shall make application of apprentice-membership and immediately be admitted to apprentice-membership in such local union, and begin payment of apprentice-membership dues and per capita dues unless prohibited by law.

If the apprenticeship committee cancels the apprenticeship agreement, the apprentice-member shall forfeit apprentice-member status.

Once an applicant becomes an apprentice-member he or she shall take the verbal oath of obligation of membership either at a local union membership meeting or apprenticeship meeting or class, and shall make the acknowledgements set forth in Article 16, Section 3(a). A designated local union officer shall administer the oath. The apprentice-member shall also sign a copy of the oath of obligation, which a union officer shall witness.

Upon completion of all requirements of the apprenticeship program, the apprentice shall then fulfill all remaining requirements, if any, of initiation as required by this Constitution and the local union.

SECTION 2

SEC. 2(a). All apprentice-members shall pay the initiation fee established by the local union for apprentice-members in which they are indentured, forty-five percent (45%) of which shall constitute the International initiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Association Staff Pension Fund. Such initiation fee shall be paid over the term of and prior to completion of his or her apprenticeship except that the local union may extend the period during which said initiation fee must be paid for a period not to exceed ninety (90) days after completion of his or her apprenticeship.

SEC. 2(b). Local unions shall establish the dues of apprentice-members but in no case shall the rate be less than minimum dues, payment of which will commence with the beginning of the first year of apprenticeship.

SEC. 2(c). All monies paid by apprentice-members except for a monthly International per capita dues and a local working assessment, if any, shall be credited to his or her initiation fee, unless that fee is paid in full before the apprentice-member completes his or her apprenticeship in which case such monies shall be treated as union dues.

SEC. 2(d). Apprentice-members and pre-apprentice members shall be subject to the provisions of Article Sixteen (16), Sections 11 and 12(a), concerning suspensions and reinstatement.

SEC. 2(e). Within ninety (90) days, all pre-apprentices shall pay the initiation fee established by the local union and begin payment of pre-apprentice membership dues and per capita dues unless prohibited by law. Forty-five percent (45%) of the fee shall be remitted to the International Association. At least thirty-five (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the Sheet Metal Workers' Local Unions and Councils Pension Fund (United States) and the Sheet Metal Workers' Local Unions and Councils Pension Fund (Canada) and/or the Canadian Dues Defense Fund, and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. All monies paid by the pre-apprentice shall be credited towards his or her initiation fee.

SECTION 3

SEC. 3. All monies accepted from pre-apprentices and apprentice-members, shall be recorded on official Sheet Metal Workers' International Association receipts designating his or her status as a pre-apprentice or apprentice-member.

SECTION 4

SEC. 4. Apprentice-members and pre-apprentices shall be entitled to attend all local union meetings with a voice and vote on all matters, with the exception that they shall not be permitted to hold any local union office or represent the local union in any official capacity. They shall be entitled to all constitutional monetary benefits, including strike benefits accorded to other members in good standing under the International Constitution. They shall be eligible to make application for and be issued a withdrawal card in accordance with Article Sixteen (16), Section 6.

SECTION 5

SEC. 5. No pre-apprentice or apprentice-member shall perform work on any job unless he or she is under the direct supervision of a qualified journeyman sheet metal worker, nor shall he or she be assigned by his or her employer to work on a job in the jurisdiction of another local union unless permitted by the relevant collective bargaining agreement, where the work is being performed, approved by this Association.

SECTION 6

SEC. 6. All apprentice-members and/or pre-apprentice members shall be required to attend periodic union orientation meetings which shall be scheduled at least quarterly and be conducted by the local union business manager or his designated representative for the purpose of acquainting them with the history, objectives, benefits and purposes of the labor movement in general, their local union and the Sheet Metal Workers' International Association and to inform them of their rights and obligations under the International Constitution and local union by-laws.

SECTION 7

SEC. 7. The local union financial secretary-treasurer shall immediately notify the General Secretary-Treasurer when an indentured apprentice-member enters military service. Apprentice-members who are called to military service may make application for special limited membership or for a special withdrawal card in accordance with the provisions of Article Sixteen (16), Section 8. Apprentice-members who are called to military service must be given the opportunity to complete their apprenticeship, provided that they resume their apprenticeship not later than ninety (90) days after their discharge from military service. Apprentice-members who reapply to resume their apprenticeship more than ninety (90) days after their discharge may be subject to discipline for unauthorized absences, unless they are convalescing from an illness or injury that occurred while in the military.

SECTION 8

SEC. 8. An apprentice-member, having been certified by the Local Joint Apprentice Committee as having successfully completed the prescribed apprenticeship program, shall be obligated as a journeyman without further membership application or examination by the local union.

88

SECTION 9

89 **SEC. 9.** The special rules in this Article shall apply only to apprentice-members and shall
 90 not apply to any other members unless specifically so provided in this Constitution.

91

SECTION 10

92 **SEC. 10.** This Article shall not apply to the Railroad apprentices covered under Article
 93 Twenty-One (21) of this Constitution.

ARTICLE TWENTY-FOUR (24)**Organizing, Apprentice/Organizing, and Education****SECTION 1**

1 **SEC. 1.** All local unions shall establish and maintain a legitimate organizing and
 2 educational program and/or continue any ongoing or previously established organizing and
 3 educational programs including apprentice organizing. If a local union does not have an organizing
 4 program, the International will bill the local union for the cost of assigning an International
 5 Organizer. These programs shall be funded by the local union and may be further funded by an
 6 approved organizing grant by the General President. The grant is subject to re-approval annually
 7 by the General President and may be rescinded if the subsidized organizer or the local union is not
 8 following the organizing policy issued by the International. The grant will pay up to one half (1/2)
 9 of at least one (1) full time local union organizer's annual salary. The grant may be expanded by
 10 the General President for local unions with members in both building trades and production to pay
 11 up to one half (1/2) of the annual salary of a second full-time organizer, from the ranks of the
 12 production workers, dedicated to organizing production workers, if warranted by the financial
 13 situation of the local union. This salary shall be defined as follows:

14 (1) Wage Rate:

15 (A) As determined by the local union

16 (2) Health and Welfare:

17 (A) Contributions to the local union Health & Welfare Trust Fund, or

18 (B) Contributions to the National Health Fund (whichever is applicable)

19 (3) Pensions - Annuities:

20 (A) Contributions to local union pension trust fund and/or

21 (B) Contributions to local union annuity funds (where applicable)

22 (C) Contributions to the Sheet Metal Workers' National Pension Fund.

23 (D) Contributions to the Local Unions and Councils Pension Fund.

24

SECTION 2

25 **SEC. 2.** All apprentice-members shall receive training in organizing and industry
 26 promotional skills which shall cover labor union history, theory and methodology including
 27 practical experience in organizing techniques.

ARTICLE TWENTY-FIVE (25)**Union Label****SECTION 1**

1 **SEC. 1.** The General Secretary-Treasurer shall have prepared and registered a trademark
2 label to be known as the Official Union Label, and said union labels shall be for the use of local
3 unions and good standing members thereof, in the manner and within the limitation specified in
4 this Constitution. Union labels shall be of such design, material, or method of application as may
5 be determined by the General Secretary-Treasurer with the approval of the General Executive
6 Council, provided that each union label identify, by serial number or otherwise, the local union to
7 which it was issued.

SECTION 2

8
9 **SEC. 2.** Upon the written request of local unions all union labels shall be issued and
10 distributed by the General Secretary-Treasurer to local unions at list price.

SECTION 3

11
12 **SEC. 3.** Local unions shall require a strict accounting of all union labels issued by them to
13 signatory contractors for use by good standing members thereof and shall require the return of all
14 unused union labels.

SECTION 4

15
16 **SEC. 4.** The use of union labels of this Association is limited to strictly union-made
17 products, manufactured, assembled and fabricated by none but good standing members of a local
18 union affiliated with this International Association and all members must recognize such union
19 label. No union label of this Association shall be applied to any sheet metal work that has not been
20 so manufactured, assembled and fabricated.

SECTION 5

21
22 **SEC. 5.** The union label may be applied by members of a local union to all sheet metal
23 products actually manufactured, assembled and fabricated within the jurisdiction of and by
24 members of said local union, but no local union or member thereof shall apply the union label to
25 any sheet metal products manufactured, assembled and fabricated outside of their own jurisdiction.
26 The SMWIA union member stamp shall be applied manually to all drawings, sketching, drafting,
27 detailing, design, redesign and coordination by computer (CAD), manual or otherwise. The stamp
28 shall remain the property of the local union or the International Association.

29

SECTION 6

30 **SEC. 6.** Union labels shall remain at all times the property of the International Association
 31 and in the custody of the local union, and shall at no time be issued or distributed in any manner
 32 that will permit or afford opportunity for them to be used by any other than a member in good
 33 standing, provided that if the union label is permitted to be used, or if there is a risk that the union
 34 label may be used as a means or for the purpose, intentionally or unintentionally, of deceiving
 35 purchasers of fabricated products, sheet metal workers on job sites, or members of the public at
 36 large as to whether an item has been made by employees of a signatory employer, or in any other
 37 manner not authorized by this Constitution, it may be withdrawn at the sole discretion and direction
 38 of the General President or by the local union with the approval of the General President.

39

SECTION 7

40 **SEC. 7.** Each local union should urge and encourage the use of union labels on all strictly
 41 union-made sheet metal products, and should urge and educate the public to demand the union
 42 label as a guarantee of first class workmanship performed by union labor.

43

SECTION 8

44 **SEC. 8.** Union labels shall be furnished by local unions in sufficient numbers to meet the
 45 requirements and conditions specified in this Constitution.

ARTICLE TWENTY-SIX (26)**Union Shop**

1 A sheet metal shop or sheet metal business shall not be considered a union sheet metal shop
 2 or union sheet metal business unless the owners sign and remain parties to an agreement with the
 3 local union of this Association in whose jurisdiction such shop or business is located. No sheet
 4 metal shop or sheet metal business shall be recognized as union or entitled to the privileges or use
 5 of the shop card or label unless it employs one or more journeymen sheet metal workers in good
 6 standing and with full membership in this Association on all work covered by Article One (1),
 7 Section 5, of this Constitution, and permits not more than one (1) owner, partner or other person
 8 directly or indirectly financially interested in the management of such shop or business to work
 9 with the tools of the trade and then in the shop only.

ARTICLE TWENTY-SEVEN (27)**Union Shop Card****SECTION 1**

10 **SEC. 1.** The General Secretary-Treasurer shall have prepared, printed and registered a union shop
 11 card which shall be issued to local unions at list price.

12 **SECTION 2**

13 **SEC. 2.** The use of said union shop cards shall be limited to this Association and to local
 14 unions in good standing, and through them only to employers who sign and comply with all of the
 15 provisions and requirements of a union agreement with this Association or with a local union
 16 affiliated therewith.

17 **SECTION 3**

18 **SEC. 3.** When authority is given to any employer to use and display the union shop card,
 19 said union shop card shall bear the signature of the General President and General Secretary-
 20 Treasurer of this Association or the president and financial secretary-treasurer and seal of the local
 21 union authorizing its use. Union shop cards shall always remain the property of this Association
 22 and authority to use and display same shall be immediately revoked, and said shop card taken up
 23 from any shop for failure to conform to any of the conditions specified herein under which the use
 24 and display of the union shop card was authorized.

ARTICLE TWENTY-EIGHT (28)
Standard Form of Union Agreements

SECTION 1

1 **SEC. 1.** The desirability of uniformity in local union agreements, particularly with regard
 2 to certain basic conditions of employment being recognized, this Association shall prepare and
 3 furnish to each local union a uniform Standard Form of Union Agreement for construction to be
 4 used in all negotiations with employers.

5 **SECTION 2**

6 **SEC. 2.** When local unions decide upon any proposed changes in existing agreements or
 7 when original proposals are to be submitted to employers, copies thereof shall be forwarded to the
 8 General Secretary-Treasurer together with a request that the General Secretary-Treasurer forward
 9 sufficient printed copies of the current uniform Standard Form of Union Agreement to meet their
 10 requirements. No local union shall put into effect any contract provision in conflict with the basic
 11 minimum required provisions of the Standard Form of Union Agreement. Employers shall be
 12 notified by the local unions that the General President can nullify agreements not containing the
 13 basic minimum standards.

14 **SECTION 3**

15 **SEC. 3(a).** No local union or officer, representative or member thereof, shall waive or
 16 relinquish claim to any work specified in the jurisdictional claims of this Association as set forth
 17 in Section 5 of Article One (1) of this Constitution, or submit same to arbitration except with the
 18 approval and written consent of the General President.

SEC. 3(b). No local union officer or representative shall enter into any agreement with employers which impairs the valid contractual rights of members of other local unions affiliated with this Association or employers with whom such local unions have valid union agreements so long as such contractual rights are not inconsistent with this Constitution and policies of this Association. In the event such agreement is consummated, in addition to other penalties provided in this Constitution, its application shall be confined to the territorial jurisdiction of the signatory local union; and any other local union in whose territorial jurisdiction the signatory employer performs work may, with the approval of the General President, refuse to recognize said employer as a union employer unless he or she signs the collective bargaining agreement of such local union. The General President shall also have the authority to take such action as he deems necessary, after proper notice according to this Constitution.

SEC. 3(c). It is the policy of this Association to require participation by all United States Building Trades Local Unions in (1) the International Training Institute, a trust fund established in part by this Association for the purpose of assisting in establishing and maintaining programs of apprentice and journeyman training and related purposes, (2) the National Energy Management Institute, a trust fund established in part by this Association for the purpose of stimulating projects that will provide work for our members by applying up-to-date technological methods by making buildings more energy efficient, and (3) the Sheet Metal Occupational Health Institute Trust, a trust fund established in part by this Association for the purpose of promoting medical screening and medical and scientific research related to asbestos and other occupational health hazards in the Sheet Metal Industry. Building trades local unions shall adopt and maintain participation in the designated trust funds at the appropriate contribution rates as a condition of affiliation with this International Association. Any such local union that fails to negotiate into collective bargaining agreements with its employers participation in any of these mandatory trust funds shall become liable individually for the contributions thereto that would have been made by its signatory employers if they were participants therein, and the General Secretary-Treasurer shall be entitled to refuse to accept and record per capita dues forwarded by any such local union unless it also forwards to the trust fund involved a sum of money equivalent to the contributions on behalf of its members which would have been payable by its signatory employers if they were participating therein.

SECTION 4

SEC. 4. Local unions shall file with the General Office three (3) signed copies of union agreements with a record of all employers party thereto, in all cases where contractual relations have been established under said agreement.

SECTION 5

SEC. 5. Should the local union and the employers fail to agree upon terms and conditions of employment, the local union shall immediately notify the General Secretary-Treasurer in writing, with a detailed report of negotiations and developments to date. If circumstances warrant, an International Representative may be assigned by the General President to render assistance and help negotiate an agreement.

ARTICLE TWENTY-NINE (29)

Delegates to AFL-CIO and Members on Special Assignment from International Association

Delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations and its Departments and all members on special assignment for the International Association, except full-time General Officers under salary, shall receive Two Hundred and Fifty Dollars (\$250.00) per day as compensation and Eighty-Five Dollars (\$85.00) per day for expenses and in addition thereto, reasonable cost of lodging and air transportation

ARTICLE THIRTY (30)

Strikes

SECTION 1--STRIKE/DEFENSE FUND

SEC. 1. The General Secretary-Treasurer shall set aside from each monthly individual International per capita dues, the sum of One Dollar and Fifty-Five Cents (\$1.55), in a fund designated and known as the Strike/Defense Fund and to pay from such fund the benefits provided in this Article.

In the event the amount of money in the Strike/Defense Fund exceeds an amount which the General Executive Council deems sufficient to maintain the integrity of the Fund, the General Secretary-Treasurer with the approval of the General Executive Council is authorized to transfer any part of said excess amount to the General Fund.

SECTION 2--NATIONAL JOINT ADJUSTMENT BOARD EXPENSES

SEC. 2. The expenses of the International Association directly related to the meetings of the National Joint Adjustment Board shall be funded by the Strike/Defense Fund. In addition, this Fund shall reimburse the normal expenses incurred for travel, hotel and meals by one (1) representative from the local union to travel to the appropriate meeting of the National Joint Adjustment Board to present a case brought under Article Ten (10), Section 8, of the Standard Form of Union Agreement.

SECTION 3--STRIKES

SEC. 3(a). The authority or consent of the International Association shall not be required for a local union to call a strike following the termination or expiration of a collective bargaining agreement.

No cessation of work through strike or otherwise shall be permitted or ordered by a local union or any officer or officers thereof unless it is authorized and approved at a special meeting called for the purpose of voting on the question of whether such strike is advisable or desirable.

Notice of the time and place and purpose of such meeting shall be given to each member and it shall require two-thirds (2/3) vote by secret ballot of all members present at such meeting to legally declare a strike.

In any dispute which does not arise out of a notice to terminate or to reopen an existing collective bargaining agreement, the General President may order and direct the local union and the members thereof to refrain from cessation of work, or in the event of a strike, to direct the members to return to work if, in his judgment, such strike or threatened strike is a violation of an existing collective bargaining agreement or this Constitution or the policies of this International Association.

SEC. 3(b). When a local union strike has been approved in the manner provided in Section 3(a) of this Article, official notice thereof shall be filed with the General Secretary-Treasurer with the record of the effective date of said strike, and the purpose thereof.

SECTION 4--STRIKE BENEFITS

SEC. 4(a). In the event a local union desires to seek strike benefits, application therefore shall be filed with the General President in sufficient time prior to the strike date to permit him to approve or disapprove such application before the strike occurs. No strike benefits shall be paid if a strike occurs prior to the approval of the payments of such benefits by the General President.

SEC. 4(b). This Association shall not be under obligation to pay strike benefits in any particular strike. Such benefits shall be paid solely in the discretion of the General President and then only subject to the terms and conditions provided for in this Article, except that the General President may in extenuating circumstances waive the requirements of Section 4(c) of this Article concerning when strike benefits begin and payment of benefits for fractional weeks.

SEC. 4(c). If the strike is approved by the General President for the purpose of strike benefits, such benefits shall be paid through the local union involved on the basis of not more than One Hundred Fifty Dollars (\$150.00) per week for each good standing member actually participating in the strike. Benefits shall begin at the end of the second full week of the strike and continue thereafter for such period as may be determined by the General President or General Executive Council. No strike benefits shall be paid for any fractional part of a week.

SEC. 4(d). No member shall be eligible for strike benefits unless prior to the strike his or her dues and other obligations have been actually paid and properly recorded on official receipt, in accordance with the provisions of this Constitution, at least for the current month in which the strike occurs, and in advance, for at least each current month thereafter during the period of strike, unless the member is on dues check off. If dues have been withheld from the employee's wages by his or her employer pursuant to a valid check off authorization, and the company has failed to remit the dues prior to the strike, the member will be eligible for strike benefits if his or her dues are paid for the month prior to the strike. A member on dues check off must then continue to pay his or her dues for each month thereafter during the period of the strike but is not responsible for the month of dues withheld by his or her employer. Members who fail to comply with said

requirements shall forfeit all rights to strike benefits.

SEC. 4(e). When payment of strike benefits has been approved, as provided in this Article, the local union shall file with the General Secretary-Treasurer a record of the effective date of the strike, the names and membership numbers of all members participating in the strike, and the date of his or her current receipt and the period covered by such receipt, together with the names of the employers involved. The local union shall also file with the General Secretary-Treasurer the names of all pre-apprentices who are not yet members and others of a similar status approved by the General President whose participation in support of the strike has been sanctioned by the local union. A like record and report shall be filed with the General Secretary-Treasurer each week thereafter with a record of any settlements reached subsequent to the date of strike. Such reports shall be signed by the president and recording secretary unless one of these officers is not available, then any other elected officer may sign the reports, so as to provide an accurate and complete record of the duration of the strike and the period for which each member was involved.

SEC. 4(f). Strike benefits and donations for strike purposes, when authorized and approved by the General President, shall be paid by the General Secretary-Treasurer through the financial secretary-treasurer of the affiliated local union involved, who shall, on receipt of said benefits or donations, immediately record receipt of same on official receipt in triplicate form and immediately forward the original of said official receipt to the General Secretary-Treasurer in acknowledgment of monies thus received. The white duplicate (copy) of said official receipt shall also be included with the next monthly remittance and report sent to the General Secretary-Treasurer.

SEC. 4(g). The General President shall not approve or authorize payment of strike benefits in more than one strike at any one time unless circumstances, in his opinion, warrant and justify such approval and authority, to protect the general welfare of members involved in controversies.

SEC. 4(h). Whenever it is deemed necessary by the General President, he may authorize payments to assist in defraying expenses of a strike committee, whether or not in addition to the strike benefits provided above, in such amounts and by such methods of payment as he may, in his discretion, decide, provided that no such payment shall exceed the sum of Fifteen Thousand Dollars (\$15,000.00) in any one strike without the approval of the General Executive Council.

SEC. 4(i). An itemized statement of all monies received and disbursed by local unions, in connection with strikes shall be submitted to the General Secretary-Treasurer each week, and any local union which shall fail or neglect to submit such weekly statements shall forfeit all rights to strike benefits or donations and allowances for strike purposes from this Association.

SEC. 4(j). The General President shall have authority to discontinue payments of any or all strike benefits or donations and allowances for strike purposes whenever he deems such action advisable.

SEC. 4(k). Notwithstanding any other provisions of this Article, the General Executive Council shall have the authority to make such adjustments as to the amount of benefits to be paid

in specific situations as it may deem necessary, having in mind the need to accumulate a substantial sum in said Fund and the financial conditions of said Fund at the time of such adjustment.

SECTION 5--LOCKOUTS

SEC. 5. In the event of a lockout by the employers the provisions of Section 4 of this Article shall govern insofar as they may be applicable.

SECTION 6--FINANCIAL ASSISTANCE

SEC. 6. When local unions through assessments, voluntary contributions from members, or other appropriate means have established special funds, sometimes known as Defense Funds, to defray the costs of engaging in legally permissible concerted activities including picketing directed at non-union or unorganized employers in the sheet metal industry, they may apply for financial assistance from the Strike/Defense Fund when same is necessary to enable such local unions to engage in effective campaigns against such non-union or unorganized employers. Local union requests for such financial assistance for such purpose or for other appropriate purposes for which assistance is warranted shall be directed to the General President who shall be authorized to grant benefits for such purposes in the same manner and under the same procedures as Strike Benefits under this Article.

Payment from the Strike/Defense Fund may also be made to members of local unions or other workers engaging in various types of concerted or individual activities supportive of policies endorsed by this International Association provided that a request therefore is submitted by the business manager of the local union to the General President and approved by him.

ARTICLE THIRTY-ONE (31)

Political Action League (PAL)

Local unions are urged to establish Local PAL Funds which should be created in accordance with provisions of applicable state and local laws, and administered by a Local PAL Committee appointed by the local union business manager. Local PAL funds shall be used solely to make contributions and expenditures in support of or opposition to candidates for state, county, municipal and other non-federal offices in either primary or general elections and in support of or opposition to state, county, municipal and other non-federal issues and membership education and information purposes.

No Local PAL funds shall be used directly or indirectly to make contributions or expenditures in support of or opposition to any candidates for President, Vice President, Senate, House of Representatives or other federal office in either a primary or general election in the United States. All contributions and expenditures in support of or opposition to candidates for federal office shall be made by National PAL. Local unions in Canada are urged to contribute to the SMWIA Canadian Political Action Fund (PAF) as appropriate under Canadian federal and

14 provincial law, which will make contributions to those candidates for public office who support
 15 the aims and goals of local Sheet Metal Workers' International Association locals in Canada.
 16 Furthermore, all Local Unions shall establish and maintain a legitimate political action and
 17 educational program, and/or continue any ongoing or previously established political action and
 18 educational programs consistent with the directives of this International Association.

ARTICLE THIRTY-TWO (32)

General Convention and Business Managers' and Business Representatives' Conference Fund

1 The General Secretary-Treasurer shall set aside the sum of Eighty-Five Cents (\$.85) from
 2 each monthly individual International per capita dues in a fund designated as the General
 3 Convention and Business Managers' and Business Representatives' Conference Fund and to pay
 4 from said fund such amount as may be necessary to defray the cost of such International
 5 Conventions and Conferences.

ARTICLE THIRTY-THREE (33)

Amendments and New Laws

SECTION 1—AMENDMENTS

1 **SEC. 1(a).** Amendments to this Constitution or Ritual may be submitted by any local union
 2 or council, the General President, General Secretary-Treasurer, the General Executive Council or
 3 by the Constitution Committee.

4 **SEC. 1(b).** Amendments submitted by local unions or councils must be submitted
 5 separately by subject matter in resolution form and filed in triplicate with the General Secretary-
 6 Treasurer at the General Office at least thirty (30) days prior to the opening of the Convention at
 7 which such amendments are to be considered unless the requirements of this paragraph are waived
 8 by a two-thirds (2/3) vote of the delegates in the Convention.

9 All resolutions proposed by any member of the local union shall be submitted to the local
 10 union Executive Board at least thirty (30) days prior to the submission thereof to the local union
 11 for consideration.

12 All resolutions passed by local unions or councils must bear the signature of the president
 13 and recording secretary and the seal of the local union or council.

14 **SEC. 1(c).** Amendments submitted by the General President, General Secretary-Treasurer
 15 or the General Executive Council may be submitted in the form of resolutions or as
 16 recommendations contained in their respective reports.

17 **SEC. 1(d).** Amendments submitted by the Constitution Committee may be submitted in its

18 report to the Convention.

19 **SEC. 1(e).** It shall require a two-thirds (2/3) vote of the delegates present at the Convention
20 to enact such amendments.

21 **SEC. 1(f).** At any time the General Executive Council, by a majority vote, deems a new
22 law necessary to govern this Association in any matter not provided for in this Constitution, it may
23 recommend and submit same through the General Secretary-Treasurer to local unions for
24 referendum vote, and it shall require a two-thirds (2/3) majority of all members voting in
25 referendum to adopt such new law. The General Secretary-Treasurer shall report the result of
26 referendum to local unions.

27 **SEC. 1(g).** Proposals for new laws when approved and endorsed by ten (10) or more local
28 unions located in ten (10) or more different states, provinces or territories at regular or special
29 called meetings may be submitted to the General Secretary-Treasurer for consideration by the
30 General Executive Council, and if approved by a majority of the General Executive Council said
31 proposed new laws shall be submitted to a referendum vote in accordance with Section 1(f) of this
32 Article.

33 **SEC. 1(h).** New laws when approved and adopted by referendum vote in the manner
34 specified in this Constitution become a part of this Constitution and effective immediately
35 thereafter.

36 **SEC. 1(i).** The General Executive Council shall have authority between Conventions to
37 amend this Constitution in any manner required to remove any conflict between its provisions and
38 those of any federal law without the necessity of the referendum vote required in Section 1(f) of
39 this Article. Notwithstanding any other provision of this Article, the General Executive Council
40 shall have the authority between Conventions to amend Article Twenty-One (21) of this
41 Constitution or to amend Article One (1), Section 5 of this Constitution to add (but not delete)
42 work claimed by the Association without the necessity of the referendum vote required in Section
43 1(f) of this Article.

ARTICLE THIRTY-FOUR (34)

SECTION 1--INVALIDITY

1 **SEC. 1.** In the event any Article or Section of this Constitution or any portion thereof shall
2 be or become legally invalid or unenforceable, such invalidity or unenforceability shall not affect
3 or invalidate any other Article or Section of this Constitution or any portion thereof.

SECTION 2--GENDER

5 **SEC. 2.** Whenever in this Constitution a masculine noun or pronoun is used it shall include
6 the feminine case as well whenever such interpretation is consistent with sound construction.

ARTICLE RITUAL
INITIATION CEREMONIES

1 Except as provided in Section 6 of Article Twenty-Two (22), applicants for membership
2 who have complied with all requirements of this Constitution and whose applications have been
3 accepted may be obligated by the president or presiding officer of the local union either at a local
4 union meeting or meeting of the local union Executive Board.

5 At the appointed time for initiation, the president or presiding officer shall then address the
6 applicants for membership, as follows:

7 "Your official form of application for membership in this local union chartered by and
8 affiliated with the Sheet Metal Workers' International Association has been accepted by this local
9 union, with the understanding that the answers submitted by you over your signature to questions
10 contained in official form of application are true and accurate in every respect. You have signified
11 in your application that you are familiar with and willingly subscribe to all of the provisions and
12 requirements of the Constitution of the Sheet Metal Workers' International Association. We will
13 now administer the obligation of membership after which you will sign this same obligation as a
14 matter of record. Repeat after me the following obligation of membership, mentioning your name
15 where I mention mine.

16 "I, _____, hereby certify that I am familiar with and willingly agree to abide
17 by all of the provisions and requirements of the Constitution of the Sheet Metal Workers'
18 International Association. In consideration of the acceptance of my application and being obligated
19 as a member, I hereby agree to remain loyal to the principles and policies and to be governed by
20 the Constitution of the Sheet Metal Workers' International Association.

21 I further agree to respect elected officers, brother and sister members, and to honor all local
22 union rules and regulations not in conflict with this Constitution, to uphold the authority of the
23 president, business manager, business representatives, and other elected officials, and to always
24 conduct myself in a manner which holds the Union in the highest regard. I agree to work faithfully
25 to protect and defend the rights of all of our members, and to display a positive attitude when
26 representing the Union in any way. Finally I agree to devote myself to the betterment of the Union
27 and remain steadfast in my support and defense of the working rules, working conditions, wages
28 and fringe benefits negotiated for me by my Local Union, and that by this oath taken I am duly
29 obligated to all articles and sections of the Sheet Metal Workers' International Association
30 Constitution and Ritual."

31 After the obligation of membership has been administered orally to the applicant, the
32 president shall rap twice with his or her gavel and request all members to be seated. The applicant
33 shall then affix his or her signature to the obligation of membership and the presiding officer and
34 financial secretary-treasurer shall affix their signatures thereto as attesting witnesses, after which
35 the president or presiding officer shall address the applicant as follows:

36 "I now declare you duly obligated. You are already familiar with your duties, obligations,
 37 rights and privileges specified in our Constitution. You will, therefore, be governed accordingly. I
 38 now desire to give you the following instructions:

39 "Your official dues receipt recording actual payment of dues in advance in accordance with
 40 our Constitution will establish your identity to the conductor prior to the opening of meetings.
 41 Should you desire to gain admission to the hall after the meeting has started, present your official
 42 dues receipt to the warden and if you are in good standing he or she will admit you. Should you be
 43 without official dues receipt, the warden will report your name and membership number to the
 44 financial secretary-treasurer and if you are in good standing and entitled to admission, he or she
 45 will so inform the president who shall instruct the warden to admit you. Should you desire to retire
 46 while the meeting is in session, rise and ask permission of the president. The usual voting sign is
 47 made by the elevation of the right hand, and is used in voting in favor of or against all questions."

48 The president or presiding officer may then introduce the newly obligated member and
 49 declare a short recess to provide opportunity for proper introduction and greeting, after which the
 50 president or presiding officer will rap once with his or her gavel for order, when the members will
 51 be seated, and the newly obligated member escorted to the financial secretary-treasurer's desk to
 52 receive instructions regarding his or her financial obligations.

53 In case there is more than one (1) applicant for initiation, the Ritual can be readily changed
 54 from singular to plural.

INSTALLATION CEREMONIES

1 The installing officer shall appoint an assistant and direct the retiring officers to vacate
 2 their positions. He or she shall then direct the newly elected officers to be obligated and installed
 3 to be seated together. He or she shall then proceed to administer the obligation, and he or she shall
 4 direct each newly elected officer to place his or her right hand on his or her left breast and repeat
 5 the following obligation.

OBLIGATION OF LOCAL UNION OFFICERS, BUSINESS MANAGERS AND BUSINESS REPRESENTATIVES

1 In the presence of the members of this _____ I, _____ certify that I am familiar
 2 with the provisions of the Constitution of the Sheet Metal Workers' International Association and
 3 I do hereby pledge myself to perform the duties of the office to which I have been elected, in the
 4 manner specified by the Constitution of the Sheet Metal Workers' International Association; that I
 5 will be faithful and regular in attendance at meetings unless prevented by cause beyond my control;
 6 that in the performance of all of my official duties I will require all members to comply fully with
 7 their duties and obligations and will give due consideration to the rights of all members without
 8 prejudice and without exception; that I will deliver to my successor all books, papers, monies, or
 9 other property of this local union which may be in my possession at the close of my official term,
 10 all in accordance with this pledge and obligation taken.

OBLIGATION OF GENERAL OFFICERS

1 In the presence of the delegates of the Sheet Metal Workers' International Association here
 2 assembled in Convention, I, _____, do hereby certify that I am familiar with the provisions of
 3 the Constitution of the Sheet Metal Workers' International Association and I do hereby pledge
 4 myself to perform the duties of the office to which I have been elected, during my official term
 5 and in the manner specified by the Constitution of the Sheet Metal Workers' International
 6 Association, and that in the performance of my official duties I will require all members to comply
 7 fully with their duties and obligations and will give due consideration to the rights of all members
 8 without prejudice and without exception, and that I will deliver to my successor all books, papers,
 9 monies, or other property of this Association which may be in my possession at the close of my
 10 official term, all in accordance with this pledge and obligation taken.

PARLIAMENTARY RULES

1. On motion, the regular order of business may be suspended by a two-thirds (2/3) vote of the meeting, and, at any time, to dispose of any urgent business.
2. All resolutions and regulations must be submitted in writing.
3. Any conversation by whispering or otherwise, which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order.
4. Sectarian discussion shall not be permitted in the meeting under any circumstances.
5. All questions of a parliamentary nature not provided for in these Rules shall be decided by the most current edition of Robert's Rules of Order, Newly Revised, 10th Edition, currently published by DaCapo Press, Perseus Books Group.
6. A motion to be entertained by the presiding officer must be seconded, and the mover as well as the seconder must arise and be recognized by the Chair. The presiding officer shall entertain all motions properly made and seconded which are not dilatory, frivolous or absurd.
7. Any member having made a motion can withdraw it by the consent of his or her second, but a motion once debated cannot be withdrawn except by a two-thirds (2/3) vote.
8. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.
9. Any member may call for a division of a question when the sense will admit thereof.
10. A motion shall not be subject to debate until it has been stated by the Chair.
11. When a member wishes the floor he or she shall rise and respectfully address the Chair and,

if recognized by the Chair, he or she shall be entitled to the floor.

12. If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

13. Each member, when speaking, shall confine himself or herself to the question under debate and avoid all personal, indecorous and sarcastic language.

14. No member shall interrupt another while speaking except to make a point of order, and he or she shall definitely state the point, and the Chair shall decide the same without debate.

15. If a member has been granted the privilege of the floor and while speaking is called to order, he or she shall take his or her seat until the point of order is decided, when, if decided in order, he or she may proceed.

16. If a member shall feel himself personally aggrieved by the decision of the Chair, he or she may appeal to the Local Union from the decision.

17. When an appeal is made from the decision of the Chair, the said appeal shall then be stated by the Chair to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of the meeting?" The member will then have the right to state the grounds for his or her appeal, and the Chair will give the reasons for his or her decision; the Union will proceed to vote on the appeal without further debate, and it shall require a majority vote to sustain the appeal.

18. No member shall speak more than once on a subject until all members desiring the floor shall have spoken, nor more than twice without unanimous consent, nor more than five minutes at any one time.

19. The presiding officer shall not speak on any subject unless he or she retires from the Chair, except on point of order and appeals from the decision of the Chair, and in case of a tie he or she shall cast the deciding vote.

20. When a question is before the meeting, no motion shall be in order except (1) To adjourn. (2) To lay on the table. (3) For the previous question. (4) To postpone to a given time. (5) To refer or recommit. (6) To amend. And these motions shall have precedence in the order herein arranged. The first three of these motions are not debatable.

21. When the previous question is moved and seconded, it shall be put in this form: Shall the main question now be put? If this is carried, all further motions, amendments and debate shall be excluded and the main question put without delay.

22. If a question has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall then be put as follows: (1) Amendment to the amendment. (2) Amendment. (3) Original proposition.

23. When a question is postponed indefinitely, it shall not come up again except by a two-thirds (2/3) vote.

24. A motion to adjourn shall always be in order, except: (1) When a member has the floor. (2) When members are voting. (3) When it has been decided to take the previous question.

25. Before putting the question to vote the presiding officer shall ask: "Is the Union ready for the question?" Then it shall be open for debate. If no member rises to speak, the presiding officer shall then put the question in this form: All in favor of the motion will give the voting sign, and after the affirmative vote is expressed, Those opposed, the same sign. After the vote is taken he or she shall immediately announce the result.

26. When the presiding officer has commenced taking a vote, no further debate or remarks shall be allowed unless a mistake has been made; in which case the mistake shall be rectified and the presiding officer shall again take the vote.

27. Before the presiding officer declares the vote on a question, any member may ask a division of the house, then the Chair is duty bound to comply with the request, and a standing vote shall be taken and the Conductor shall count the same.

28. Every member present shall vote on all questions before the Union, unless personally interested or excused by the Union.

29. When a blank is to be filled, the question shall be taken, first upon the largest sum or number, or the longest or latest time.

30. When a question has been decided, it can be reconsidered only at the same meeting or on the next regular meeting night.

31. A motion to reconsider must be made and seconded by two (2) members who voted with the majority.

32. All questions, unless otherwise provided, shall be decided by a majority of all votes cast.