UNITED TRANSPORTATION UNION

CONSTITUTION

EFFECTIVE JANUARY 27, 2010
ABOUT THIS EDITION

In print editions of the UTU Constitution, text appearing in bold calls attention to those items that were changed at the quadrennial convention immediately preceding the printing of the document. While this practice is generally honored in this printing, please note the following exceptions:

Certain changes to Article 12 became effective July 27, 2009, following their approval by Delegates who voted by mail ballot. Such changes are shown in bold and underlined.

On December 28, 2009, Delegates voting by mail ballot adopted amendments to Articles 2, 6, 10, 11, 12, 19, 21, 22, 32, 36, 37, 38, 41, 57, 59, 63, 64, 66, 73, 83, 91, 93, 96, 97, 98, and 99 that codified the language of the Constitution to remove references to “Canadian,” along with other consequential changes which became effective January 27, 2010. These changes, where words have been inserted to accomplish this codification, are also shown in bold and underlined. In many instances however, words were removed and are no longer shown except in the case where an entire Article was deleted. Such deleted Articles will be shown to be deleted in their entirety using bold and underline formatting. Such changes adopted by the Delegates included the codification of the Officer complement as delineated at lines 9-10 in Article 2, as the previously referenced attrition of positions has been fulfilled.

Additionally, following adjournment of the 10th Quadrennial Convention, under the provisions of Article 12, lines 40-47, 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 January 1, 2008. Thus, while line 2 of Article 12 reflects the action of the Delegates at the 10th Quadrennial Convention raising the International dues to $22.50 per month, effective January 1, 2008, International dues were increased to $24.50 per month.
UNITED TRANSPORTATION UNION
CONSTITUTION

ARTICLE 1
NAME OF ORGANIZATION
This organization shall be known as the United Transportation Union and shall consist of an International Union, sometimes referred to as the “International,” and a number of locals.

ARTICLE 2
OFFICERS, BOARDS AND MEMBERS

The International shall consist of the following Officers, Boards and Members:

(A) Officers:

President
Assistant President
General Secretary and Treasurer
National Legislative Director
Alternate National Legislative Director

Six (6) Vice Presidents
One (1) Vice President shall be from the Bus Department
Alternate Vice Presidents:
Two (2) from the Eastern Territory
Two (2) from the Western Territory
Two (2) from the Southern Territory
One (1) from the Bus Department from the Western Territory (West of the Mississippi River)
One (1) from the Bus Department from the Eastern Territory (East of the Mississippi River)

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

President – By the Assistant President
Assistant President – By a 2/3 vote of the Board of Directors
General Secretary and Treasurer – By a 2/3 vote of the Board of Directors
National Legislative Director – By the Alternate Legislative Director

Vice Presidents:
The Senior Alternate Vice President from the Bus Department shall fill a Bus Vice Presidential vacancy.
Vice Presidential vacancies from the Eastern, Western and Southern Territories shall be filled by the Senior Alternate from the territory in which the vacancy occurs who shall become the Junior Vice President.

Vacancies not otherwise provided for in this Article shall be filled by a 2/3 vote of the Board of Directors.
(B) Boards:

Board of Directors –

The Board of Directors shall consist of the President, Assistant President, General Secretary and Treasurer, National Legislative Director, Six (6) Vice Presidents and one (1) Bus Vice President.

Board of Trustees –

The Board of Trustees shall consist of the International President, General Secretary and Treasurer and the National Legislative Director.

Board of Appeals

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

Five (5) Members

One (1) from Engine Service
One (1) from Road Service (Train Service)
One (1) from Yard Service (Train Service)
One (1) from Commuter Authorities
One (1) from Bus Department

Executive Board –

Five (5) members

One (1) Alternate to Executive Board
The Alternate to the Executive Board shall fill a vacancy occurring on the Board.

(C) Members:

One (1) Delegate from each Local

(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
Assistant President
General Secretary and Treasurer
National Legislative Director
Alternate National Legislative Director
Six (6) Vice Presidents

Alternate Vice Presidents –

Two (2) from the Eastern Territory
Two (2) from the Western Territory
Two (2) from the Southern Territory
Two (2) from the Bus Department

Board of Appeals
Executive Board
ARTICLE 3
HEADQUARTERS LOCATION

The headquarters of the United Transportation Union shall be
Cleveland, Ohio, except that one or more departments or offices of the
International Union may be located in other cities, if the Board of
Directors determines such action is necessary.

ARTICLE 4
OFFICIAL SEAL, EMBLEM, AND RITUAL

The United Transportation Union shall have an official seal,
emblem, and ritual which shall be selected by the Board of Directors. All
official documents emanating from the United Transportation Union shall
bear the imprint of its seal.

The General Secretary and Treasurer shall furnish each local with
an appropriate seal and all official documents emanating from the local
shall bear the imprint of its seal.

ARTICLE 5
DELEGATES

Each local shall elect a Delegate and an Alternate Delegate to the
International during the year preceding the quadrennial convention,
from the members of each local who have not voluntarily elected to
receive a rebate of dues from any department. They shall assume their
offices on January 1 of the year in which the convention is held and
serve for a period of four (4) years.

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 to fill the unexpired term of the Alternate Delegate.

The General Secretary and 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
International

Delegates shall receive Vice President’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 five
session days, and a travel day after the convention adjournment.
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 International convention or some other position of the International, 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.

The General Secretary and Treasurer shall have printed in the United Transportation Union 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 convention.

**ARTICLE 6**

**INTERNATIONAL UNION**

The International Union shall convene in regular session quadrennially beginning in 1971, at a time and place selected by the Board of Directors and such regular or special session will not exceed seven (7) consecutive calendar days – five session days and (2) travel days (following each other in chronological sequence without break or interruption). The place selected by the Board of Directors shall be confined to the continental United States.

The International has jurisdiction over all subordinate bodies and all subjects pertaining to the United Transportation Union, except as provided in Article 80.

A majority of all Delegates in attendance at the convention shall constitute a quorum for the transaction of business.

The Board of Directors shall appoint, from among the Delegates, a Constitution Committee consisting of not less than one (1) member from each craft represented by the United Transportation Union.
The International President and Assistant President shall appoint a Committee on International Officers Reports consisting of not less than one (1) member from each craft represented by the United Transportation Union and such other committees, guards, messengers, etc., as may be necessary, to assist during the convention.

Officers and Delegates of the International will be furnished official badges at the beginning of the convention.

**ARTICLE 7**

**ELIGIBILITY FOR OFFICE**

Unless otherwise provided, any member paying full dues shall be eligible for election to any office in the United Transportation Union, 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 United Transportation Union 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 United Transportation Union 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 International shall not be eligible to the office of Delegate;
ARTICLE 8
ELECTION AND INSTALLATION OF INTERNATIONAL 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 United Transportation Union.

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 International President or his/her designated representative, before assuming office. The obligation shall be the same as that provided for officers of a local.

ARTICLE 9
TERM OF OFFICE

Officers of the International Union elected at a regular convention shall assume their offices on January 1 following their election and shall hold such office until January 1 following the adjournment of the next quadrennial convention, subject to the provisions of the Constitution.

ARTICLE 10
REPORTS OF OFFICERS

Vice Presidents and the National Legislative Director shall make a report to the International President at the conclusion of each assignment.

All Officers and Boards of the International shall submit a report to the International President of their official acts and expenses incurred during each year. This report will be mailed yearly to the Delegates. A copy of the report, together with vouchers and papers pertaining thereto, shall be submitted to the Board of Trustees.

ARTICLE 11
Deleted in its entirety
ARTICLE 12
INTERNATIONAL DUES AND ASSESSMENTS

The funds of the International shall be acquired by assessments of 
dues in the amount of $22.50 per month on all members employed in 
transportation service, other fields of employment, trades, and 
industries, whether public or private employers.

International dues will be apportioned to the various funds of the 
International as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention Fund</td>
<td>$2.00</td>
</tr>
<tr>
<td>General Fund</td>
<td>$17.50</td>
</tr>
<tr>
<td>Maintenance of Membership Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Public Relations Fund</td>
<td>.25</td>
</tr>
<tr>
<td>Strike Fund</td>
<td>.75</td>
</tr>
<tr>
<td>Education and Training Fund</td>
<td>1.00</td>
</tr>
</tbody>
</table>

The International Board of Directors may grant a reduction of 
monthly International dues in situations where special circumstances 
exist. Requests for reduced International dues must be presented to the 
International Board of Trustees for consideration and subsequent 
referral to the International Board of Directors with a recommendation. 
Upon receipt of a Board of Trustees recommendation concerning a 
local’s request for reduced International dues, a decision will be issued 
by the International Board of Directors within thirty (30) days.

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 this Constitution, all 
disbursements for expenses incidental to conducting the business of the 
International 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.

The International President and Assistant President, in conjunction 
with a majority of the Board of Trustees, may increase the assessments 
as may be necessary for the protection of the members and the United 
Transportation Union, 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.

All funds of the International shall be deposited to the credit of the 
International in a bank or banks selected by the Board of Trustees.
The Board of Trustees, in conjunction with the International President, shall be the custodians of all funds, properties, securities, books, documents, files, archives, and effects of the International and shall, on behalf of the International, purchase, sell, or transfer such securities as deemed advisable. **The Board of Trustees shall also be empowered to make agreements with vendors to provide members with disability insurance coverage or other benefits through the International, at the members’ cost, on an opt-out basis.**

The International President and General Secretary and Treasurer shall be equally responsible for the disbursements of funds and checks shall bear the signatures of both, otherwise they shall be invalid.

**ARTICLE 13 AMENDING CONSTITUTION**

Proposed amendments to the Constitution may be submitted by any subordinate body or an International Officer at any time prior to one hundred and twenty (120) days before the convention begins.

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

The Constitution Committee shall be convened at the International Headquarters 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 International officer at least thirty (30) days prior to the convention. The Committee shall report to the convention all amendments recommended by it. The committee shall not be empowered to make any proposals to the delegates that are not presented to the committee in accordance with this Article.

A two-thirds vote of the Delegates present shall be necessary to adopt amendments.

All amendments to the Constitution, except those which specify otherwise, shall become effective on the first day of the third month following adjournment of the convention at which they are adopted.

When any question of policy shall arise between conventions, or any proposed change, alteration, or amendment in the Constitution is suggested, which, in the opinion of a majority of the Board of Directors, is of such importance and urgency that it should be submitted to the Delegates; and when the calling of a special convention is not deemed
advisable; the proposal shall be submitted in writing to all Delegates by
the General Secretary and Treasurer.

The proposal shall be mailed to the Delegates of each local, all
subordinate bodies, and International officers by the General Secretary
and Treasurer within thirty (30) days after the action has been
authorized by the Board of Directors.

When the Delegates shall have had an opportunity to present the
proposal to the locals for discussion, they will cast their votes and return
them to the General Secretary and Treasurer. If two-thirds of the
Delegates voting favor the proposal, it shall have the same force and
effect as any action adopted at a convention.

It shall be the duty of the Board of Trustees to canvass,
determine, and certify the results of the vote as returned by the
Delegates. The General Secretary and Treasurer shall report the result
of the vote to the Delegates, all subordinate bodies, and International
officers, indicating how each Delegate voted. Any change, ratified or
adopted, shall become effective thirty (30) days from the date of
certification, unless the proposal provides for a different effective date.

The amendments to the Constitution enacted at the convention
shall be codified, printed, and sent to each member.

ARTICLE 14
SPECIAL CONVENTIONS

If two hundred (200) locals petition the General Secretary and
Treasurer for a special convention, for a specified purpose, and all of
these petitions are received within sixty (60) days after receipt of the
first petition, the General Secretary and Treasurer shall send to each
local in the United Transportation Union, within thirty (30) days
thereafter, a circular stating that two hundred (200) locals have
requested that a special convention be called for the purpose stated in
the petitions, and that each local, at a regular meeting, shall vote on the
question, “Shall a special convention be called for the purpose stated?”

If a majority of the members present vote “yes”, then the circular
shall be endorsed, under local seal, by the Secretary, signed by the
President, and returned to the General Secretary and Treasurer. If a
majority of the members present vote “no”, the same procedure shall be
followed.

The General Secretary and Treasurer shall set a date for the	
tabulation of the ballots, not less than sixty (60) days after the issuance
of such circular, at which time the vote of the locals shall be returned to
his/her office for tabulation. No ballot received after the time set for
counting same shall be counted. The ballots shall be tabulated by the
Board of Trustees, or their representatives. If a majority of the votes
are favorable, the International President shall at once issue a call for a
special convention for the purpose stated, such convention to be held not later than ninety (90) days after the tabulation of the ballots, and at a place to be determined by the Board of Directors.

The General Secretary and Treasurer shall, as soon as possible after the tabulation of the ballots, issue a circular to all subordinate bodies and International officers, giving the vote of each local and the results. All requests for a special convention, and the purpose for which the convention is desired, shall be published in the first issue of the International publication after the request is made.

**ARTICLE 15**

**BONDING OF INTERNATIONAL OFFICERS AND EMPLOYEES**

The Board of Trustees shall arrange for the bonding of International officers and employees. The members of the Board of Trustees shall be bonded for not less than $500,000.00 each; all other officers and employees, if required, shall be bonded for not less than $25,000.00 each, all payable to the United Transportation Union.

**ARTICLE 16**

**INTERNATIONAL PRESIDENT**

The International President shall be the executive head of the United Transportation Union, exercise general supervision over its affairs and interests including all subordinate bodies and shall preside at all sessions of International conventions.

The International President may employ sufficient personnel and such other assistance as necessary to properly conduct the business and affairs of the United Transportation Union.

The International President shall interpret all laws of the organization, decide all questions arising there from, and decide all other controversies not provided for under existing laws of the organization, subject to appeal to the Board of Directors – all in conformity with this Constitution.

Subject to Article 17, the International President shall perform all duties and responsibilities assigned under the Constitution and such other duties and responsibilities as may be necessary for the proper conduct of the affairs of the organization and the accomplishment of its objectives.
ARTICLE 17
DUTIES OF ASSISTANT PRESIDENT

The Assistant President shall assist the International President in the performance of his/her duties and in the formulation of all policies and programs of the United Transportation Union. He/she shall perform such other duties as may be assigned by the International President and as may be required by the Constitution.

In the event the office of the International President becomes vacant as a result of death, resignation, or removal, the Assistant President will immediately assume the duties of the International President.

The office of the Assistant President will be located at the Headquarters of the UTU International.

ARTICLE 18
DUTIES OF VICE PRESIDENTS

The Vice Presidents shall perform such duties as may be assigned by the International President or as may be required by the Constitution.

Vice Presidents shall be assigned a headquarters location, and with the approval of the International President may be permitted to provide office headquarters and employ such assistance as may be necessary. The office rent, authorized assistance, telephone service, and supplies to be paid from the General Fund.

ARTICLE 19
DUTIES OF THE GENERAL SECRETARY AND TREASURER

The General Secretary and Treasurer will be assigned exclusive jurisdiction and authority over the financial affairs of the United Transportation Union, including operational jurisdiction of all departments responsible for the accounting of all receipts and disbursements. Financial jurisdiction and authority shall include the supervision and control of International and subordinate bodies. The General Secretary and Treasurer will be stationed and all operations performed at the International headquarters.

The General Secretary and Treasurer will prepare and submit to the President and Assistant President a budget for the financial operation of his/her office and the International headquarters no later than the last day of January each year. The General Secretary and Treasurer will determine the need for office staff for his/her department, including field auditors,
and will be allowed reasonable office personnel with the approval of the President and Assistant President. All employees assigned to the finance department will work directly under the jurisdiction of the General Secretary and Treasurer. Disputes regarding staffing requirements, jurisdiction and authority will be submitted to the Board of Directors for resolution.

The General Secretary and Treasurer shall prepare an annual budget for each fund authorized by the delegates under the provisions of Article 12, no later than March 1st of each calendar year. After the President and Assistant President have approved the annual budget, the Board of Directors will review and authorize the final operational budget for the following twelve month period.

Upon approval by the Board of Directors, the annual budget will be published in the UTU News no later than the May edition. In the event a budget has not been approved by May 1st the General Secretary and Treasurer will proceed to authorize the printing of the budget as proposed.

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

ARTICLE 20
ASSOCIATION OF STATE LEGISLATIVE DIRECTORS

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

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

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

By-laws consistent with the provisions of this constitution will be adopted at the 1996 meeting.

A majority of Association Members shall constitute a quorum.
ARTICLE 21
DUTIES OF NATIONAL LEGISLATIVE DIRECTOR

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 International President. 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 International President, represent the United Transportation Union and/or the International President before Federal agencies and Congressional Committees, and in such other capacities as the International President may direct.

The National Legislative Director shall keep the International President 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 International President copies of all bills introduced to the Congress which may affect the organization, and such information as will enable the International President to determine legislative policy on such matters 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 International President, 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 International President for candidates for Congress, based on voting records and other information concerning each candidate. 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 International President, 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 International President. 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 International President.
ARTICLE 22
BOARD OF TRUSTEES

The International President, General Secretary and Treasurer, and the National Legislative Director shall comprise the members of the Board of Trustees. The International President shall serve as Chairperson; the National Legislative Director shall serve as Vice Chairperson and the General Secretary and Treasurer shall serve as Secretary. The Vice Chairperson shall act in behalf of the Chairperson when so directed by the Chairperson. The Secretary shall keep a record of all transactions and proceedings of the Board. The Board shall see that the International officers discharge their financial duties faithfully and efficiently and, where irregularity or neglect of duty is found, it shall promptly prefer charges to the Executive Board, at all times acting consistent with applicable Federal and State laws. The Board shall submit a complete report to the International of all financial business transacted during the period between conventions, together with recommendations to promote the financial welfare of the organization.

The Board shall examine and audit the books and accounts of the International officers annually and shall employ an expert accountant for such audit.

It shall provide the extraordinary expenses of the organization and shall receive the bonds of all International officers and, if approved, each member shall endorse the bond with his/her signature before it is placed on file with the General Secretary and Treasurer.

They shall perform such other duties as required by the Constitution and as assigned by the International President.

ARTICLE 23
DUTIES OF THE BOARD OF DIRECTORS

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

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

A majority of the Board of Directors shall decide matters coming before the Board, except as otherwise provided in this Constitution. Members of the Board of Directors must attend and participate in all Board meetings, unless prevented by illness or emergency.
A member of the Board of Directors will not be permitted to participate in the Board’s consideration of, or decision on, appeals taken from his/her actions or decisions. Board members will vote on all decisions and actions taken by the Board and will not be allowed to abstain from voting, except as stated herein above concerning his/her actions or decisions. The Annual Report shall show how each Member of the Board of Directors voted on all appeals brought pursuant to Article 75 II immediately following the decision.

The Board of Directors may consider and implement plans of unification, affiliation, or merger with another labor union. Any such unification, affiliation, or merger shall be subject to convention approval or ratification by the membership of the United Transportation Union.

**ARTICLE 24**

**EXECUTIVE BOARD**

The Executive Board, immediately after its election, shall meet and elect a Chairperson and a Secretary. The Board shall promptly investigate charges preferred against International officers as provided in Article 25.

The Board shall file with the General Secretary and Treasurer a copy of all evidence considered by it and shall present a report of all charges considered, together with its verdict to the quadrennial convention.

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

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

**ARTICLE 25**

**CHARGES AND TRIALS OF INTERNATIONAL OFFICERS**

Charges may be preferred against International officers for failure to perform their duties and fulfill their responsibilities in accordance with their obligation of office and as required by this Constitution. Any officer against whom charges have been preferred shall receive a fair and impartial trial.

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

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

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

If a majority of the Board considers the evidence submitted
sufficient to proceed, the Chairperson shall set a date and time for trial
to be held and notify the parties. The Chairperson shall give the
accused and the member preferring the charges not less than fifteen
(15) days notice prior to the convening of the Executive Board to try the
accused.

The Board shall convene at the headquarters location on the date
appointed and proceed to try the accused. Each party to a trial shall
have the privilege of designating any person, except a Board Member or
a party involved in the charges or proceedings, to act as his/her
counselor or representative in the trial proceedings.

Ten (10) days before trial, the member preferring the charges and
the accused shall forward by certified mail to the Chairperson of the
Board and to the opposing party a list of names of witnesses which they
intend to call at the trial in support, or defense, of the charges. The
member preferring charges, either in person or through his/her counsel
or representative, shall act as prosecutor in the case.

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 this Constitution
or the Board, or should he/she engage in conduct designed to obstruct
his/her trial, the Board shall proceed to conduct the trial in his/her
absence. The accused, the member preferring charges, their counsel or
representative(s), or any witnesses who are guilty of misconduct before
the Board shall be excluded thereafter from the trial proceedings, and
the trial shall continue in their absence.

The Board shall arrange for a transcript of the trial proceedings. A
copy of the transcript shall be furnished to each party without cost.

In all trials, the testimony of witnesses shall be taken orally in
front of the members of the Board. 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. They shall also be entitled to cross-examine witnesses of the
other party. The Board may, on its own, request such witnesses and
documents as it deems necessary.
Should a witness be unable to attend any trial session of the Board, because of age, sickness, infirmity or for other good cause shown, 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 to the extent it would be at the trial proceedings, provided the adverse party, his/her counsel or representative 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 the United Transportation Union shall be required to make the following affirmation:

“Do you solemnly affirm upon your honor as a member of the United Transportation Union 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 the United Transportation Union, 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 Article 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 International President, General Secretary and Treasurer, and all locals.
ARTICLE 26
APPEALS FROM DECISIONS OF THE EXECUTIVE BOARD

An International officer censured, suspended, or removed by the Executive Board may appeal to the convention by submitting his/her appeal in writing to the Chairperson of the Executive Board, with a copy to the General Secretary and 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 and 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 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 United Transportation Union except upon the approval of the Board of Directors.

ARTICLE 27
BOARDS OF APPEALS

Immediately after their election, the members of the Boards of Appeals shall meet and elect a Chairperson and Secretary. The Secretary shall keep a correct record of the proceedings of the Board. A record shall be taken of all oral testimony for the use of the Board in making its final decisions.

The Boards of Appeals shall meet semiannually, on the second Monday of January and July, and at such other times as may be necessary, at the headquarters locations, to consider and determine all appeals submitted under the provisions of this Constitution. A majority of a Board shall decide all appeals coming before that Board. It shall have no authority to consider and determine any other matter, nor to refer any case to any other tribunal of the organization for a decision except questions arising as to the application of organization law shall be referred to the International President.

The Board shall give a clear and concise report of each appeal properly submitted to it. Such report shall consist of a statement of all
material facts involved in the appeal, the contentions of the parties and
the decision of the Board, stating the reasons upon which the decision is
based. All decisions shall be released by the Boards without delay.

In an appeal involving a Board member’s local, such Board
member must disqualify himself/herself and be excused by the
Chairperson of the Board. The original decision shall be signed by each
member of the Board participating and, following each signature, the
word “for” or “against” shall be written indicating his/her vote on the
matter. Copies of all decisions shall contain the names of the Board
members participating. Decisions of the Boards of Appeals shall be final
and binding and shall not be appealable to the convention.

The Boards shall, at the conclusion of each meeting, submit a
report properly authenticated to all interested subordinate bodies and
International officers.

A member of the Boards of Appeals shall not represent the
International in any other capacity while serving as a member of the
Board.

ARTICLE 28
OFFICERS, MEMBERS, OR SUBORDINATE BODIES SHALL NOT
RESORT TO CIVIL COURTS UNTIL ALL APPEALS HAVE BEEN
MADE IN ACCORDANCE WITH THIS CONSTITUTION

No officer, member, or subordinate body of the United
Transportation Union shall resort to the civil courts to correct or redress
any alleged grievance or wrong, or to secure any alleged rights from or
against any officer, member, subordinate body, or the United
Transportation Union until such officer, member, or subordinate body
shall have first exhausted all remedy by appeal provided in this
Constitution for the settlement and disposition of any such rights,
grievances, or wrongs.

Any officer, member, or subordinate body of the United
Transportation Union violating the provisions of this Article shall be
subject to charges and trials as provided by this Constitution.

ARTICLE 29
COMPENSATION AND VACATION BENEFITS OF INTERNATIONAL
OFFICERS, BOARD MEMBERS AND STAFF MEMBERS WHO HOLD
SENIORITY IN A CRAFT ON A PROPERTY WHERE UTU HOLDS
REPRESENTATION RIGHTS

Adjustments in salaries of International 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 United
Transportation Union.
All officers, Board members and Staff members, devoting full time
to the service of the International, 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.

International officers, Board members, and Staff members, and
representatives devoting full time to the service of the International 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 International
President and General Secretary and Treasurer.

When a member serving the International 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 International in which he served the amount of
vacation pay lost as result of his/her services with the International.

ARTICLE 30
FISCAL YEAR

The fiscal year of the United Transportation Union 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.

ARTICLE 31
RETIREMENT OF OFFICERS AND EMPLOYEES

All officers and employees of the United Transportation Union shall
be retired from the service of the United Transportation Union on the
last day of the year in which they attain age seventy (70).

ARTICLE 32
PRINTING AND SUPPLIES

The International President and the General Secretary and
Treasurer shall 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 and Treasurer. All forms provided by such locals must be
submitted to the General Secretary and Treasurer for his/her approval
before being printed.
All supplies shall be furnished locals at cost by the General Secretary and Treasurer and must bear the imprint of the United Transportation Union seal.

All printed matter purchased by the International shall bear the union label.

ARTICLE 33
OFFICIAL PUBLICATIONS

Official print publications and all electronic media, web, communications shall be issued regularly by the United Transportation Union which shall be under the business management of the International President and General Secretary and Treasurer. The International President 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 United Transportation Union and to widows and retired members who make requests for the print publications, and or electronic media, web, communications, provided they keep the International advised as to their correct address. All money for subscriptions shall be paid to the General Secretary and Treasurer 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 agreed to by the International President, and the Board of Trustees.

ARTICLE 34
ENDORSEMENT OF SOUVENIRS, ETC.

The International 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 the United Transportation Union.

Locals, subject to prior approval of the International President, may issue advertising, programs, time books, or other publications of general interest in the name of the United Transportation Union for local purposes, when properly authorized by the local(s) interested, providing the net proceeds there from 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.
ARTICLE 35
ORDER OF BUSINESS OF THE INTERNATIONAL 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

ARTICLE 36
RULES OF ORDER, INTERNATIONAL CONVENTION

The rules of order for conventions of the International 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 International 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 General Secretary and Treasurer 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 the United Transportation Union may attend the convention as visitors on presentation of a receipt for current dues or membership card.
7. The International President, or in his/her absence, the Assistant President, 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 Article 6, a majority of each committee will be appointed by the International President and a minority by the Assistant President. 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 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 officers, 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 becomes the act of the convention. If the report fails of adoption, it may be referred back to the committee for further consideration.

19. The report of the Committee on International 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 fourth 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 and 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 International officers will commence not later than the first order of business on the first Tuesday of the convention. When electing International 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 International officers:

After the election of the President, the election of the Assistant President will be conducted. After the election of the Assistant
President, the General Secretary and Treasurer shall be elected. After
the election of the General Secretary and Treasurer, the National
Legislative Director will be elected. Nominations will be accepted for Vice
Presidential positions 1 through 6, until there are four contested
positions after which an election shall be conducted. In other words, it is
contemplated that contested Vice President positions will be elected
simultaneously in groups of four, until all Vice President positions are
filled.

The Alternate National Legislative Director shall be elected next.
Alternate Vice President shall be elected as follows – First Alternate in
the Eastern territory, First Alternate in the Western territory, First
Alternate in the Southern territory, First Alternate Bus Vice President in
the Western territory, Alternate Commuter Vice President, and Alternate
Yardmaster Vice President to be elected simultaneously. Second
Alternate in the Eastern territory, Second Alternate in the Western
territory, Second Alternate in the Southern territory, and Second
Alternate Bus Vice President in the Eastern territory, to be elect
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.

The demarcation lines for the various territories are as follows:
Western Territory – All territory lying west of and including the
southern lines of the Illinois Central Railroad (prior to the merger with
the Gulf Mobile and Ohio) and lying on the West side of Lake Michigan,
and south of Lake Superior, and northwest of a line laid through Sault
St. Marie, Michigan, and shall be bounded on the South side by the
Mexican border.

Eastern Territory – Shall be composed of the territory east of the
aforementioned line and north of the lines of the Chesapeake and Ohio
Railway.

Southern Territory – Shall comprise the territory south of and
including the Chesapeake and Ohio Railway and as far west as the
Illinois Central Line, mentioned as the boundary of the Western
Territory. Lines of the former Gulf Mobile and Ohio shall be included in
the Southern Territory.

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. International officers may speak but shall have no vote in
convention.
ARTICLE 37
PRINTING AND DISTRIBUTION OF CONSTITUTION

Copies of the Constitution shall be furnished to all members of the United Transportation Union. The most current United Transportation Union Constitution shall be made available to all members via electronic media, the United Transportation Union International web page.

ARTICLE 38
SAVING CLAUSE

The International President, with the approval of the Board of Directors, may take such action as may be deemed necessary to meet situations not covered in this Constitution in order to protect the interest of the membership and the United Transportation Union.

If any portion of this Constitution is found to be in violation of a Federal or State law, such law shall supersede that portion of this Constitution, but only to the extent and within the limits of the law, and provided that any change shall not affect the validity of the remaining portions of this Constitution.

ARTICLE 39
LOCALS

Employees in transportation service, other fields of employment, trades and industries, whether public or private employees, desiring to organize a local shall apply to the International President for a charter. The application must be accompanied by a fee of $50.00 to cover the cost of necessary supplies for the local.

Should the application be favorably considered by the International President, the General Secretary and Treasurer shall issue a charter, properly signed under official seal, and forward to the person designated. The International President will direct an officer of the International to organize the local and install the elected officers in accordance with this Constitution.

By-laws for their special government, which do not conflict with this Constitution, may be adopted, subject to the approval of the International President.

The International President shall assign each local a number and thereafter it shall be known as “United Transportation Union Local No.____.”
ARTICLE 40
JURISDICTION AND AUTHORITY

The jurisdiction of locals shall be that which existed on the date of unification. Changes in jurisdiction may be made by the International President after giving the interested General Chairperson an opportunity to file recommendations regarding the matter. The local shall have jurisdiction over all members of the United Transportation Union employed under its jurisdiction.

The decision of a local on all matters within its authority shall be final, unless appealed in accordance with the provisions of this Constitution 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 International 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.

ARTICLE 41
MEMBERSHIP

Any person of good moral character who is employed in a craft or vocation, whether public or private employment, represented by the United Transportation Union 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 the United Transportation Union 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 and 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 United Transportation Union, including the by-laws of my local; to comply with the rules and regulations for the government of the United Transportation Union; not to make known to outsiders any private proceedings of the United Transportation Union; 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 United Transportation Union.”

ARTICLE 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 the United Transportation Union.

ARTICLE 43
MEMBERSHIP CARDS

Members of the United Transportation Union, 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 Article 42 and are retired from transportation service will be given a gold embossed card indicating life membership in the United Transportation Union. Such members shall be entitled to attend local meetings.
ARTICLE 44
AUTHORITY TO REPRESENT

Every member of the United Transportation Union grants complete authority to the United Transportation Union 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 United Transportation Union 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 United Transportation Union 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.

ARTICLE 45
DUTIES OF MEMBERS

Members of the United Transportation Union 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 by-laws of the local, to keep from outsiders the private proceedings of the United Transportation Union, 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 the United Transportation Union. 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 Article 74 of this Constitution.
ARTICLE 46
VISITING MEMBERS

Visiting members of the United Transportation Union 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.

ARTICLE 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 International 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 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 and 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 and 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 Article 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.

ARTICLE 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.
ARTICLE 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 holds the contract, or in the service of the United Transportation Union for a full calendar month (excluding his/her vacation) shall, upon submitting to the General Secretary and 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 hold the contract, or service with the United Transportation Union. 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 Article, 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 Article 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 holds the contract, or in the service of the United
Transportation Union 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.

**ARTICLE 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.

**ARTICLE 51  
READMISSION**

A member 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 International President before presenting
application for readmission.
ARTICLE 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.

ARTICLE 53
RIGHTS AND BENEFITS

Except as otherwise provided in this Constitution, no member shall be entitled to any of the rights or benefits of the United Transportation Union, unless dues and assessments are paid within the time specified herein.

ARTICLE 54
LOCAL MAINTENANCE OF MEMBERSHIP FUND

When authorized by a majority vote of its membership, a local may establish a Maintenance of Membership fund by levying an assessment of $1.00 per member for one month or transferring an equivalent amount from the local fund.
The purpose of the Maintenance of Membership fund is to provide a fund from which the local Treasurer may, without written request from the member or advance approval of the local, advance the dues and assessments of members who do not pay the same in advance before the first day of the month. The Treasurer will not advance the dues and assessments of a member who submits, before the first day of the month, written request for a termination of membership.
When dues and assessments are advanced from the Maintenance of Membership fund, the member involved must reimburse the fund for the amount of the dues and assessments plus a service charge of $1.00. Should the member fail to repay this amount during the month for which the advance was made, the Treasurer will make no further advances for benefits until the member has paid the indebtedness. If the member is subsequently suspended for non-payment of dues or discontinues membership in any other manner, the amount of indebtedness to the Maintenance of Membership fund will be deducted from any payment that may be due said member from the International or the local. If recovery of the amount due the Maintenance of Membership fund is not accomplished in this manner the suspended member will not be readmitted to membership until the amount due has been paid.
ARTICLE 55
TIME AND PLACE OF MEETING

A local shall hold at least one regular meeting each month at the
time and place specified in its by-laws. Upon reasonable notice to the
members and the International President a local may take action to
change the place and time of meeting in the same town or city in
accordance with its by-laws.

Special meetings may be called by the President of the local and
the purpose thereof must be stated. The President shall call a special
meeting, upon receipt of written request of five (5) members in good
standing, stating the purpose for which the meeting is requested. In the
absence of the President, the meeting shall be called by the Vice
President or Secretary. Reasonable notice of special meetings shall be
given to all members and no business shall be transacted except that for
which a special meeting is called.

Five (5) members in good standing shall constitute a quorum for
the transaction of business.

ARTICLE 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.
ARTICLE 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 shall be held in November, 1970, and quadrennially thereafter. In locals having jurisdiction over more than one craft, the Delegate and Alternate Delegate must be elected from different crafts.

Officers stipulated in this Article shall be elected by secret ballot at a November meeting of the local, or by referendum vote, as provided by existing by-laws 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.

The ballots shall be prepared so as to provide a square opposite each candidate’s name in which the voter can mark his/her preference of candidates.

In locals having more than one Local Committee of Adjustment for different crafts, the Secretary will provide a separate ballot for all eligible voters of each craft working under the jurisdiction of the committee involved.

When voting by mail referendum the ballot shall be mailed by government first-class mail to each member eligible to vote in envelopes bearing a return address the same as the Post Office address on the “Ballot” envelopes. Ballots shall be mailed at least fifteen (15) days prior to the date set to tabulate the ballots, together with a leaflet containing voting instructions, an enveloped marked “A”, and a stamped envelope
marked “Ballot” addressed to the Secretary in care of the postmaster for mailing by the voter.

The leaflet containing voting instructions shall contain the following:

“Instructions for voting by mail: The voter will make a mark in the square of his/her choice, fold, and place the ballot in the enveloped marked ‘A’ and seal. Place sealed envelope ‘A’ in envelope marked ‘Ballot’ and seal. Place name and address in upper left-hand corner of envelope marked ‘Ballot’ and mail. Do not place any mark of identification on the ballot or the envelope marked ‘A’ that would destroy the secrecy of the ballot.”

The Secretary shall arrange with the postmaster for a post office box. The key or combination of such box shall remain in possession of the postmaster. Such arrangement shall be confirmed by letter.

On the day set for the tabulation of the ballots and election, the President will appoint three (3) tellers. A copy of the letter confirming the arrangement with the postmaster will be furnished the tellers which will authorize the postmaster to deliver the contents of the box to the tellers at a given hour.

The tellers shall return to the local and canvass the ballots. They will check the names on the envelopes marked “Ballot” against the list of eligible voters furnished by the Secretary, open the envelopes marked “Ballot”, and remove the envelopes marked “A”. After all envelopes marked “Ballot” have been opened, and emptied, the envelopes marked “A” shall be opened, ballots removed, and canvassed by the tellers. The results shall be reported to the President of the local in writing.

The candidate receiving a majority of the votes cast for a given office shall be declared elected. If no one (1) of the candidates for a given office receives a majority of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the two (2) candidates receiving the highest numbers of votes cast for that office. If any number of the candidates for a given office are tied for the highest number of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidates receiving the highest number of votes cast for that office. If one (1) candidate receives the highest number but that number does not constitute a majority of the votes cast for a given office and any number of candidates are tied for the second highest number of votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the name of the candidate receiving the highest number and the names of the candidates receiving the second highest number of the votes cast for that office.
The Board of Trustees shall be elected by a majority of the ballots cast.

The Secretary will keep all election records for one (1) year, including used, unused and void ballots, eligible 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 by-laws of the local or as provided in this Article; 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 International President the reason therefore 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 and 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 the United Transportation Union.

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.

**ARTICLE 58
INSTALLATION OF LOCAL OFFICERS**

The elective and appointive officers enumerated in Article 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 Constitution of the United Transportation Union; to bear true and faithful allegiance to the United Transportation Union and with complete good faith to support, advance, and carry out all official policies of the United Transportation Union; to deliver to your successor all books, papers, and other property of the United Transportation Union 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 United Transportation Union?”

The officers being installed shall respond:

“I do.”

The installing officer shall then say:

“Your duties are defined in the Constitution of the United Transportation Union and in the by-laws 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 United Transportation Union.”

“You will now assume your respective stations.”

ARTICLE 59
DUTIES OF THE LOCAL PRESIDENT

The President shall preside at all meetings of the local, enforce the provisions of this Constitution and the by-laws 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.
ARTICLE 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.

ARTICLE 61
THE LOCAL PAST PRESIDENT

When a local President has completed his/her term of office and a successor has been installed, he/she shall become the ranking Past President of the local and shall serve as such until succeeded. He/she shall thereafter be a Past President according to the regular order of succession.

ARTICLE 62
DUTIES OF THE LOCAL PAST PRESIDENT

The Past President shall install the officers of the local and, in the absence of the President and Vice President, shall preside at local meetings.

ARTICLE 63
DUTIES OF THE LOCAL SECRETARY

The Secretary shall keep an accurate record of all proceedings, receive all communications, conduct the correspondence, and shall have charge of the seal and records of the local. He/she shall notify all officers of their election or appointment and shall notify other locals of action taken by his/her local which might affect, interest, or concern them.

The Secretary shall notify the General Secretary and Treasurer of all changes in the time and place of meetings and prepare, sign, and affix the seal to all documents requiring his/her official signature as provided by the Constitution and by-laws of the local.

He/she shall see that all notices required regarding elections and levying of assessments are sent in accordance with this Constitution. The Secretary shall perform the duties of the Treasurer in locals that do not provide for the separation of the offices of Secretary and Treasurer and shall, with the President and Treasurer, file all reports required by Federal, State, or local laws.
ARTICLE 64
DUTIES OF THE LOCAL TREASURER

The Treasurer shall receive all money due to be collected by the local and give his/her receipt for the same. Where a local maintains the office of Collector, the provisions of Article 65 will apply. The Treasurer shall hold and keep secure all local funds and shall be bonded as provided in Article 71 of this Constitution. He/she shall sign all papers requiring his/her signature and perform other duties required by this Constitution and the by-laws of the local. He/she shall keep an accurate account for all receipts and expenditures of the local on forms provided for that purpose. These records shall be open at all times for inspection and audit by officers of the International or their representatives.

The Treasurer shall promptly, but not later than the 20th day of each month, remit to the General Secretary and Treasurer all monies due the International. All disbursements issued by check or draft must be countersigned by the President of the local. Each disbursement shall be reported by the Treasurer at the first meeting of the local following the disbursement.

During the month of January of each year the Treasurer shall submit to the Board of Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and disbursements of the local for the preceding year. The Board of Trustees will promptly audit the books and, if the Treasurer’s report is found to be correct and the cash on hand or its equivalent has 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 and 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 by-laws, he/she shall withhold payment for a period not to exceed thirty (30) days and report the matter at once to the International President. The Treasurer will then be governed by the International President’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 this Constitution.

The Treasurer shall, with the President and Secretary, file all reports required by Federal, State, and local laws.
ARTICLE 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 Article 71 or this Constitution.

ARTICLE 66
DUTIES OF LOCAL LEGISLATIVE REPRESENTATIVE

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 United Transportation Union. If they are unable to correct the alleged unsafe or unsanitary working conditions, they will so report to the International President 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 United Transportation Union to qualify and vote in all elections. When called upon, they shall give all possible assistance to the International President, 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.

ARTICLE 67
DUTIES OF THE LOCAL BOARD OF TRUSTEES

The local Board of Trustees shall supervise the financial affairs of the local. Upon approval by the local the Board shall also have the authority to rent, lease, or purchase property, office equipment, or necessary supplies. Additionally, the Board shall assure that the Treasurer and other local officers are bonded as required by this Constitution.

The Board shall meet in the month of January of each year for the purpose of auditing the annual report of the Treasurer and verifying bank balances and cash on hand. If the Treasurer’s annual report is found to be correct the Board members shall endorse the report with their signatures, furnishing copies to the local and the General Secretary and Treasurer.
ARTICLE 68
LOCAL ELECTIVE OFFICE OR POSITION DECLARED VACANT

If any elected officer, Legislative Representative or Committee person of a local becomes negligent in the performance of his/her duties and responsibilities as a local representative, the local may, after due deliberation, take action to notify him/her to appear at a designated meeting and show cause why his/her office or position should not be declared vacant. The notice must be in writing and will fully specify the complaints he/she will be required to answer. If he/she fails to respond to the notice or if the explanations offered for his/her negligence are unsatisfactory, the local may, by majority vote of the members involved, present at the meeting, declare his/her office or position vacant, unless he/she invokes the trial procedure as set forth in Article 74 within fifteen (15) days from the date of the aforementioned notice.

ARTICLE 69
LOCAL APPOINTEE OFFICE DECLARED VACANT

If any appointed officer or Committee person is negligent in performing his/her duties as a local representative, the President of the local may declare the office vacant and appoint a successor at any regular meeting.

ARTICLE 70
VACATIONS – LOCAL OFFICERS AND COMMITTEE PERSONS

Officers and Committee persons employed by their locals on a full-time basis shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their local. Such vacations may be split but will not be carried over from one year to the next.

Officers and Committee persons employed by their locals on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the local been earned with 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 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 Article is intended to prevent any loss in vacation time and pay as a result of serving the local.
ARTICLE 71
BONDING OF LOCAL OFFICERS

The International President and the General Secretary and Treasurer 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 International President and the General Secretary and Treasurer.

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 and 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.

ARTICLE 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 Board of Trustees 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 Board of Trustees shall be present when assets are deposited or the deposit box is opened.

The General Secretary and 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 and Treasurer a resolution adopted by local action, signed by the President and Treasurer, and bearing the local seal.

ARTICLE 73
REVOKING OR SURRENDERING LOCAL CHARTERS

The charter of a local may be revoked by the International President 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 by-laws.
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 International President.

No charter shall be revoked until the International President 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 International officer 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 International President, 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 and 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 the United Transportation Union.

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 Article 51 of this Constitution.

Any local wishing to surrender its charter may do so by majority vote of the members and shall notify the International President who will appoint a responsible representative to take full charge of the charter and all property of the local for disposition in accordance with this Article.
ARTICLE 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 this Constitution and/or the by-laws of the local.

Charges must be made in writing and shall clearly specify the alleged offense(s) together with the article(s) of this Constitution and/or those portions of the local by-laws, 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 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 this Constitution,
the local by-laws, 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 the
United Transportation Union shall be required to make the following
affirmation:

"Do you solemnly affirm upon your honor as a member
of the United Transportation Union 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
Article 75 of this Constitution.

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 International President, General Secretary and
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 article(s) of this Constitution 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 International President, and the Secretary of the General Committee of Adjustment or Secretary of the Legislative Board as the case may be. The International President 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 International President 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 International President 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 International President, 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 this Constitution 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 the
United Transportation Union shall be required to make the following
affirmations:

"Do you solemnly affirm upon your honor as a member of
the United Transportation Union 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 Article 75 of this
Constitution.

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 International President, General Secretary and
Treasurer, and members of the General Committee of Adjustment or
Legislative Board.
If reprimand is the penalty, the International President 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 United Transportation Union except upon approval of the International President.

ARTICLE 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 and 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 and 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 and 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 this Constitution made by the International President, provided such appeal is filed with the General Secretary and Treasurer within ninety (90) days from the date the decision by the International President was made.

(b) Actions or decisions of Trial Boards may be appealed to the International President, provided such appeal is filed with the General Secretary and Treasurer within ninety (90) days from the date on which the action or decision occurred. The General Secretary and Treasurer shall docket the appeal and present all papers relating to the appeal to the International President.

The International President 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 Board of Directors. Appeals to the Board of Directors must be filed with the General Secretary and Treasurer within ninety (90) days from the date of the decision by the International President.

(c) Decisions rendered by the Board of Directors on appeals referable to the Board shall be final and binding.

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.

ARTICLE 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.
ARTICLE 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 United Transportation Union 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 committeepersons
11. Election and installation of officers
12. Safety first
13. Way and means of improving the United Transportation Union
14. Closing

ARTICLE 78

NOTE: The provisions of Article 78 were declared void by the Federal Court ruling in Civil Action No. 97-5732 (NHP) and the Article has been deleted from the Constitution per Article 38.

ARTICLE 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.

ARTICLE 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 United Transportation Union, 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 Article 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.
ARTICLE 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 United Transportation Union. Such committeepersons must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee.

The International President 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 United Transportation Union. 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 Article 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 Article 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. Upon approval by a majority vote of the members represented by each respective Committee, the Committee to be discontinued will, within fifteen (15) days from the date of such approval, make an orderly transfer of the property, funds, and files to the Committee assuming jurisdiction.

Compensation and expenses for members of the Local Committee shall be determined by the members of the local under the jurisdiction of the Committee. The Local Committeeperson when authorized by the General Chairperson to perform service in connection with General Committee matters shall be compensated from the General Committee Fund.

ARTICLE 82
GENERAL COMMITTEE OF ADJUSTMENT

The Chairperson of each Local Committee of Adjustment under the jurisdiction of a General Committee of Adjustment shall be a member of such General Committee of Adjustment. Local Chairpersons representing yardmasters only, may be members of the General Committee representing yard/switchpersons subject to approval of such General Committee.

The officers of a General Committee of Adjustment shall be a General Chairperson, one or more Vice Chairpersons, and a Secretary. The officers of a General Committee must hold seniority rights in one of the crafts under the jurisdiction of such General Committee.

Each General Committee of Adjustment shall hold a quadrennial meeting in January of 1971. Beginning with this meeting not more than two (2) officers of a General Committee shall be elected from any one craft when such Committee represents only two crafts, and not more
than one officer from any one craft when such Committee represents more than two crafts, except by unanimous consent of the full General Committee.

If a Chairperson of a Local Committee of Adjustment is unable to attend a meeting of the General Committee, the Vice Chairperson of such Committee shall attend the meeting and represent his/her local, but as such, he/she shall not be eligible for election as an officer of the General Committee, except that of General Chairperson. The absent Local Chairperson shall be eligible for election as an officer of the General Committee of Adjustment.

Incumbent officers and members of the General Committee, and any member holding seniority in the craft represented by the General Committee shall be eligible for election to the office of General Chairperson. Only members of the General Committee shall be eligible for election to the office of Vice General Chairperson, or Secretary of the Committee. A General Committee requiring the full-time services of a Vice General Chairperson or Secretary may re-elect such officers, without their being re-elected as Local Chairpersons. In such cases these officers may speak but shall have no vote in the General Committee.

The officers of a General Committee shall be elected by secret vote of the members of the General Committee during the quadrennial meeting except as otherwise provided herein.

The Chairperson of a General Committee of Adjustment may be elected by referendum vote instead of by General Committee vote as provided for in the preceding paragraph if two-thirds (2/3) of the Local Chairpersons under the jurisdiction of a General Committee, prior to August 1 preceding the year of the regular quadrennial meeting of the General Committee, vote for and advise the International President in writing of their desire to have the Chairperson of that Committee elected by referendum vote.

Upon receipt of such request the International President will notify the locals under the jurisdiction of that General Committee that a referendum election for General Chairperson will be held.

Each local under the jurisdiction of the General Committee, after giving at least fifteen (15) days prior notice thereof, shall schedule a meeting to be held prior to October 1, at which nominations for General Chairperson will be accepted.

Nominations for General Chairperson will only be accepted when a petition is signed by at least five (5) members holding seniority rights in one of the crafts and holding membership in one of the locals under the jurisdiction of the General Committee. The petition shall be presented to the Secretary of the local no later than the meeting scheduled to accept such nominating petitions.
The Local Secretary shall certify the names of candidates and forward same to the International President by certified mail no later than ten (10) days after the nominating meeting. The International President shall have prepared ballots placing the name of the incumbent candidate on the ballot first and the names of the other candidates in alphabetical order. The International President shall send a ballot as described in Article 57 to each member entitled to vote no later than October 25. Only members employed under the jurisdiction of a General Committee of Adjustment shall be eligible to vote in the referendum election for the Chairperson of such Committee. The International President shall request a list of eligible voters to be prepared by the General Secretary and Treasurer showing the names and addresses of the members paying General Committee assessments to that General Committee for the month of August preceding the election.

The International President shall arrange for the General Secretary and Treasurer to receive and tabulate the ballots. The envelope addressed for the return of such ballot shall be addressed to the General Secretary and Treasurer and shall not be opened prior to the date set for tabulation.

The General Secretary and Treasurer will tabulate the ballots between November 10 and November 15 and shall notify the General Chairperson and candidates the date set for tabulating the ballots. Each candidate, or his/her representative, may witness the tabulation at his/her own expense.

The General Secretary and Treasurer shall immediately notify the International President, General Chairperson, candidates, and each local the results of the election.

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. In case of a tie, the General Secretary and Treasurer shall be governed by the applicable provisions of Article 57.

A defeated General Chairperson shall not sign system agreements unless they are also signed by the Vice Chairperson and Secretary of the General Committee. A defeated General Chairperson shall not close out pending cases unless concurred in by the Vice Chairperson and Secretary of the General Committee.

The cost of referendum election for General Chairperson shall be considered as General Committee expense under Article 84, and such expense shall be paid by the General Secretary and Treasurer from the appropriate General Committee fund.

The Chairperson of each General Committee of Adjustment shall convene the full Committee between January 1 and May 31 following the completion of the quadrennial elections 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 International President 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 by-laws 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 International President may grant dispensation for the establishment of separate General Committees of Adjustment for the various crafts represented by the United Transportation Union. 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 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 United Transportation Union, 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 International President in the event of a vacancy in the office of Chairperson. The International President shall order an election, to be held in accordance with the provisions of this Article, to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time or 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 International President.

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 Article 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 Article 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.
ARTICLE 83
RETIRED MEMBERS

Members of the United Transportation Union 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 and General Secretary and Treasurer. 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 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 the United Transportation Union.

ARTICLE 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.

The General Committee fund shall be deposited with the General Secretary and Treasurer and shall be used to pay the salaries, expenses, and other allowances necessary for the maintenance of the General Committee. The General Secretary and Treasurer shall furnish each interested Local Treasurer and the General Chairperson a monthly report showing the division of dues and assessments.

Dues, assessments, salaries, expenses, and other allowances established for the maintenance of General Committees, and in effect as of the effective date of unification, shall remain in effect, subject to change as provided herein.

Any proposition to establish or abolish full-time salaried officers of a General Committee or to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of General Committees shall be submitted to the members of the General Committee while in session or by mail by the appropriate officer of the General Committee setting forth the specific change and effective date of such change. Such proposition must be approved by a majority vote of the members of the General Committee before being made effective.

All reasonable and proper expenses of a General Committee, officers, or member thereof when in the service of a General Committee shall be allowed as expense of the General Committee. An itemized
statement of expenses incurred, with receipts for all items in excess of $24.00, and any amount due for services rendered shall be submitted to the Chairperson of the General Committee. When such statements are approved they shall be submitted to the General Secretary and Treasurer for prompt payment. A copy of all such statements shall be furnished to the Secretary of the General Committee.

Where not otherwise provided for, the General Chairperson may rent office space, purchase office equipment, and employ such clerical assistance as necessary, when authorized to do so by a majority vote of the General Committee in session or by mail vote between sessions.

ARTICLE 85
DUTIES OF GENERAL COMMITTEES OF ADJUSTMENT

General Committees of Adjustment shall have authority to make and interpret agreements with representatives of transportation companies covering rates of pay, rules, or working conditions – subject to membership ratification in accordance with the provisions of this Article.

General Committees shall investigate all matters properly submitted to them and shall have the authority to alter, amend, add to, or strike out any part, or all, of any matter submitted to them.

In the event a matter cannot be satisfactorily adjusted, the General Chairperson may request the assistance of the International President. Upon receipt of such request, the International President or his/her representative shall meet with the General Chairperson, renew efforts to obtain a satisfactory adjustment of the matter and shall be vested with the same authority held by the General Committee to progress the matter to a conclusion. Any system or local adjustments agreed to by the International President or his/her representatives, shall be subject to a majority vote of local chairpersons affected.

In the event the International President or his/her representative and the Committee are unable to reach a satisfactory adjustment of the matter, the International President may order a strike on all or any portion of the company involved. Such strike action must be authorized by a two-thirds vote of the members of the General Committee. Such vote may be taken by wire, mail, or personal contact with written confirmation as the General Chairperson may direct.

Between sessions of the General Committee of Adjustment, the Chairperson of such Committee shall exercise all rights, privileges, and authority vested in the General Committee, except as otherwise directed by the General Committee while in session, subject to the membership ratification provisions of this Article.

The General Chairperson must poll the entire membership holding seniority and working in the craft involved on the property by mail
referendum ballot prior to signing any system agreements and be governed by the majority of the votes cast.

Upon completion of the balloting for a system agreement, the General Chairperson will prepare a report designating the result of the vote. A copy of the report shall be submitted to each affected Local within 30 days after the close of balloting.

The General Chairperson must poll the affected Local Chairpersons prior to signing any Local agreement and be governed by the majority of the votes cast.

Upon completion of the balloting for a Local agreement, the General Chairperson will prepare a report designating the result of the vote of each Local Committee. A copy of the report shall be submitted to each affected Local within thirty (30) days after the close of the balloting.

A General Committee may elect from its members a sub-committee and vest such committee with authority of the General Committee of Adjustment to adjust such matters as may be assigned to it by the General Committee. The Chairperson of the General Committee shall be Chairperson of all such sub-committees.

General Committees or sub-committees of General Committees of Adjustment making settlement of matters referred to them shall, within thirty (30) days of such settlement, notify the interested Local Chairpersons and Secretary of the locals in which the matters originated of the action taken.

Actions or decisions of a General Committee shall be binding upon the members and locals under the jurisdiction of such General Committee unless reversed or modified upon appeal as provided in Article 75 of this Constitution.

(Note: Delegates moved that this Article 85 would be interpreted that a UTU Engineer working under another union’s agreement would vote as a fireman on any agreement involving firemen.)

**ARTICLE 86**

**VACATIONS – GENERAL COMMITTEEPERSONS**

Full-time officers and employees of General Committees of Adjustment shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Committee. Such vacations may be split if desired but will not be carried over from one year to the next.

Officers and members of General Committees employed on a part-time basis shall be paid the difference between the amount of vacation
pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the General Committee been earned 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 and Treasurer from the General Committee fund upon approval of the vacation claim by the General Chairperson and Secretary of the General Committee. This Article is intended to prevent any loss in vacation time and pay as a result of serving the General Committee.

ARTICLE 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 and 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.

ARTICLE 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.
ARTICLE 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 International President, General Secretary and 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 International President 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.

ARTICLE 90
MERGERS, LEASES, COORDINATIONS, ETC.

When, through lease, purchase, merger, consolidation or other cause, a line or lines of a carrier or a portion thereof is taken over by another carrier or where, because of establishment of a new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier to another or from one road and/or yard seniority district to another on the same carrier and such affects the seniority rights of employees on such carriers, General Committees of Adjustment shall arrange for a fair and equitable division of the work. Prior seniority rights of employees to service on their former seniority district or territory shall be preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30) days.

General Committees shall give consideration to all factors involved, including but not limited to hours worked, cars and tonnage handled where applicable, and mileage of operations on each seniority district or territory involved prior to the change in operation, consolidation, or the diversion or re-routing of traffic.

In circumstances in which a new line is established by a carrier and no seniority rights exist, employees from the line from which traffic is diverted, will be transferred to the new line in equal percentage to the mileage of the traffic diverted from the old line. If the portion of line transferred is insufficient in extent to constitute a separate seniority district, the employees taken over therewith in the merger may be placed on the roster of the proper seniority district to which the merged line is attached with seniority on such roster in their respective classes from a date not later than the date of merger.
In applying this Article to bus lines the International and its Legislative Department will intervene with the STB for a reservation of jurisdiction, for the imposition of conditions, for at least three (3) years for employees who may be adversely affected.

Disputes arising under this Article which cannot be resolved by the General Committee or General Committees shall be referred to the International President. The International President shall promptly assign an officer to assist the General Committee or General Committees involved in resolving the dispute. Failing to resolve the dispute the officer shall make a complete report and recommendation to the International President who, in turn, shall decide the dispute.

Any local or member of a local affected by action or decision of a Chairperson, or General Committee, or by the decision of the International President with respect to this Article may appeal such action or decision to the Board of Appeals, provided such appeal is filed with the General Secretary and Treasurer within ninety (90) days from the date of the action or decision. The Chairperson, General Committee, or International President, as the case may be, shall be allowed thirty (30) days from the date the appeal is filed in which to reply to the appeal. The parties involved in an appeal shall exchange copies of the appeal and reply to the appeal.

ARTICLE 91
ASSOCIATION OF GENERAL CHAIRPERSONS

The Chairpersons of the General Committees in each district, as hereinafter set forth, shall form an Association of General Chairpersons, each to function independently of the other, for the purpose of formulating concerted movements relating to wages, rules, and working conditions of transportation service employees in their district.

District No. 1 shall include all rail lines in the United States.

District No. 3 shall include all bus lines in the United States.

All General Chairpersons on properties where the combined membership represented by the United Transportation Union is one hundred (100) or more, shall be members of the Association of General Chairpersons in their respective districts as outlined above. Where the combined membership represented by the United Transportation Union on a property is less than one hundred (100) the General Chairpersons on that property shall elect one of their group to be a member of the Association in their respective districts. Members of the Association of General Chairpersons shall attend all meetings of their Association and represent their committees with pay and proper expenses to be paid from the General Fund of the International.
The International President shall convene the General Chairpersons during the year 1969 for the purpose of organizing the Association in each district. Each district shall elect, by secret ballot, a Chairperson, a Vice Chairperson, and a Secretary to serve as officer of their Association.

Following the reorganization of General Committees in 1971, and quadrennially thereafter, the International President shall convene the Association of General Chairpersons for the purpose of reorganizing and electing officers.

Each Association shall adopt by-laws for its special government consistent with the provisions of this Constitution.

The Association will be convened by the International President whenever necessary and will be convened by him when a majority of the General Chairpersons within a district of the Association request a special meeting, provided the requests are uniform in object and purpose and the meeting is limited to subjects over which the Association has jurisdiction.

In any general or concerted wage-rules movement, members in an Association cannot withdraw support of a movement which has been approved by a two-thirds vote of the members of an Association, unless sanction thereto is given by a majority vote of eligible members of the Association and approved by the International President. In the event any transportation company refuses to be represented by the conference committee representing the companies in a general or concerted movement, the International President may exclude the General Committee on such company from participation in the movement.

A strike may be authorized by the International President in support of a general or concerted wage-rules movement, provided such action is approved by a two-thirds vote of the members in any Association. Such vote may be taken as the International President may direct by mail, wire, or while in session.

In any general or concerted wage-rules movement the International President and Assistant President shall appoint a negotiating committee representative of each of the former organizations and crafts represented by them, which are involved in the movement. The negotiating committee shall assist in the prosecution of the wage-rules movement as directed by the International President.

When in the judgment of the International President and the negotiating committee a final offer of settlement has been received, the offer with the committee’s 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 International President, 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 UTU News. Recommendations of the President 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 Article; 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 International President. The final result and tabulation of voting shall be furnished to each Local involved in the movement and shall be printed in the *UTU 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 post card 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.

**ARTICLE 92**

**STRIKES**

When a strike has been inaugurated by the United Transportation Union, the International President shall be the recognized leader and shall have authority, in conjunction with the Board of Trustees, 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 the United Transportation Union shall be duty bound to comply with strike orders of the United Transportation Union. 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 the United Transportation Union upon conviction thereof under the trial procedures of this Constitution.

Any member of the United Transportation Union who crosses the picket lines of the United Transportation Union, or the picket lines of any other railroad union(s) that the United Transportation Union 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 service rendered to such carrier(s) during the strike that member will also be fined two dollars ($2.00) for every one dollar ($1.00) received upon conviction thereof under the trial procedures of this Constitution.

The cost and expense of such trials will be borne solely by the locals conducting the trials and all fines collected by such locals will be retained by the local conducting the trial.

Any member of the United Transportation Union who participates in a strike which has not been legally authorized shall be expelled from the United Transportation Union upon conviction thereof under the trial procedures of this Constitution.

The International President and the General Committee of Adjustment may terminate a strike or discontinue any and all strike benefits. In the event of a difference of opinion between the International President and the General Committee of Adjustment as to the advisability of terminating a strike the matter shall be referred to the Board of Directors for a final decision. A difference of opinion as to the discontinuance of strike benefits shall be decided by the Board of Trustees.

Strikes inaugurated by the United Transportation Union – Members of crafts represented by the United Transportation Union who engage in a strike inaugurated by the United Transportation Union, including striking members who were employed under the jurisdiction of another organization, will be paid strike benefits as provided herein beginning with the third day following the day on which the strike was inaugurated.

Strikes inaugurated by other recognized Unions – Members of the United Transportation Union, who are unemployed due to any recognized union representing employees of the railroads or other transportation companies being on legal strike, shall be allowed strike benefits for a period not to exceed sixty (60) days as though they were active participants in the strike. However, the sixty (60) days limit may
be extended in unusual circumstances determined by the International
President, and the Board of Trustees.

Qualifications – In order to qualify for strike benefits, members
must withdraw from service at the outset of the strike, register each
day, and perform or be available to perform picket duty as required by
the local having jurisdiction. A member must verify his/her correct
address and social security number with the Local Treasurer for the
purpose of mailing benefit checks.

Strike benefits will be $100.00 per day and will not exceed a
maximum of $1,200.00 per month.

Strike benefits shall be allowed for a period not to exceed one
hundred twenty (120) days as the result of one strike. However, the
one hundred twenty (120) days’ limit may be extended in unusual
circumstances determined by the International President, and the Board
of Trustees, except as specified in lines 35-43.

Procedures for claiming benefits – Upon inauguration of a strike
by the United Transportation Union or upon authorization of strike
benefits to UTU members in the case of a recognized Union representing
employees of railroads or other transportation companies being on legal
strike, the International President of the UTU shall notify the General
Secretary and Treasurer accordingly.

Upon receipt of such notification, the General Secretary and
Treasurer shall prepare a list, in duplicate, and furnish each local
involved, showing all members of each local having jurisdiction over
striking members or members who may be affected by a legal strike or a
recognized union as they appear on monthly billing including home
addresses, space for social security number or social insurance number,
occupation and length of service which shall be identified as Form #1.
The 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 and 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 and 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 and Treasurer, when directed by the International President, shall issue checks drawn upon the strike fund for payment. The General Secretary and 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 United Transportation Union or by other unions representing employees of railroads or other transportation companies, the International President in conjunction with the Vice President or other officers handling the strike and the Board of Trustees, may suspend all strike benefits if such action becomes necessary for the protection of the United Transportation Union’s funds.

When a strike or 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 the United Transportation Union to support its members in declining to enter the territory directly affected.

ARTICLE 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 by-laws 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 Article 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 by-laws 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 this Constitution and at such other times as may be necessary.

Each State or District Legislative Board may adopt its by-laws 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 this Constitution.
ARTICLE 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 General Secretary and Treasurer and shall be used to pay the salaries, expenses, and other allowances necessary for the maintenance of the State or District Legislative Board.

Dues, assessments, salaries, expenses, and other allowances established for the maintenance of State or District Legislative Boards and in effect as of January 1, 1969, shall remain in effect subject to change as provided herein.

Any proposition to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of the State or District Legislative Boards shall be submitted to the members of the State or District Legislative Board while in session or by mail by the Secretary of the State or District Legislative Board setting forth the specific change and effective date of such change. Such proposition must be approved by a majority vote of the members of the State or District Legislative Board before being made effective.

All reasonable and proper expenses of a State or District Legislative Board, Executive Committee, or officer or member thereof when in the service of a Legislative Board shall be allowed as expense of the Legislative Board. An itemized statement of expenses incurred, with receipts for all items in excess of $24.00, and any amount due for services rendered shall be submitted to the Director of the Legislative Board. When such statements are approved they shall be submitted to the General Secretary and Treasurer for prompt payment. A copy of all such statements shall be furnished to the Secretary of the Legislative Board.

The State or District Legislative Director may rent office space, purchase necessary office equipment, and employ such clerical assistance as necessary when authorized to do so by a majority vote of the Board in session or by mail vote between sessions.
ARTICLE 95
DUTIES OF STATE OR DISTRICT LEGISLATIVE BOARDS

The Executive Committee of each State or District Legislative Board may be convened by the Director at least forty-five (45) days, where possible, prior to each primary and general election, for the purpose of endorsing candidates for State offices and to make recommendations for candidates for the U.S. Senate and the House of Representatives and to transact such other business as may be necessary.

State Legislative Directors will promptly advise the International President and the National Legislative Director of all endorsements of State Candidates and recommendations for Members of Congress made by the Executive Committee.

The State or District Legislative Directors may remain in the capitol during sessions of the Legislature, when so authorized by the Legislative Board, and shall devote all of his/her time to securing the enactment of such laws, or the repeal or modification of such other laws as directed by the Legislative Board. He/she shall organize opposition to and appear before appropriate agencies to oppose discontinuance of trains and buses. He/she shall urge compliance with all laws which protect the welfare of members of the United Transportation Union and shall promptly report violations of State laws and regulations to the proper State enforcement agency. Violations of all Federal laws and regulations shall be reported to the National Legislative Director or proper Federal agency.

An additional Director or Directors may remain at the capitol to assist in legislative matters, when recommended by the Executive Committee and approved by the International President. He/she shall perform such duties as may be assigned by the International President.

The Secretary of the State or District Legislative Board shall keep a record and make a report of the proceedings of all meetings of the Legislative Board and the Executive Committee and shall furnish the Legislative Representative and Secretary of each local, under the jurisdiction of the Board, and the International President with a copy of the report.

Full-time Legislative Directors shall make a quarterly report of their activities to Secretaries and Legislative Representatives of all locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of the Board which shall be furnished to them by the General Secretary and Treasurer. A copy of this report shall be furnished to the International President.

Part-time State or District Legislative Directors or Assistant Directors may, when recommended by the Executive Committee and approved by the International President, visit locals and appear before commissions or other agencies in the United Transportation Union’s behalf. They shall be authorized to cooperate with other organizations
to this end. They shall perform such other duties as may be required by their Legislative Board by-laws and this Constitution.

All proposed legislation shall be submitted to the International President for approval and copies of all bills introduced which may be detrimental to labor shall be forwarded by Legislative Directors to the International President.

Questions of jurisdiction involving Legislative Boards and General Committees pertaining to laws, abandonments, and/or borderline matters shall be referred to the International President for decision.

Any member using his/her influence in the name of the United Transportation Union to defeat any action taken by the National Legislative Director or a State or District Legislative Board shall, upon conviction thereof, be expelled.

Officers and members of State and District Legislative Boards shall be under the direction of, and cooperate with, the National Legislative Director on all National Legislative policies and proposed Federal legislation established by the International or the Board of Directors. They shall cooperate with the Auxiliary and other groups on matters of mutual interest consistent with the legislative policies of the United Transportation Union.

On any legislative issue which involves the discontinuance of engine-service positions on railroads, the Executive Committee will authorize an engine-service officer of the Legislative Boards to handle such issues under the supervision of the Executive Committee.

ARTICLE 96
VACATIONS – STATE OR DISTRICT LEGISLATIVE BOARDS

Full-time officers and employees of State, Provincial, or District Legislative Boards shall be granted vacation with pay, consistent with the terms of the appropriate Vacation Agreement, based upon earnings from their Boards. Such vacations may be split but will not be carried over from one year to the next.

Officers and members of such Legislative Boards employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the Legislative Board been earned with 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 and Treasurer from the appropriate Legislative Board fund upon approval of the vacation claim by the Chairperson and Secretary of the Legislative Board. This Article is intended to prevent any loss in vacation time and pay as a result of serving the Legislative Board.
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ARTICLE 100
DECLARATION OF POLICY OF THE UNITED TRANSPORTATION UNION REGARDING INTERNATIONAL EMPLOYEES

(1) No officer or other representative of the United Transportation Union shall deny or in any way question the right of International 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 duty designated bargaining representatives.

(2) The United Transportation Union will as a matter of policy maintain for its International 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 the United Transportation Union.

(3) International employees will receive no preferential treatment based upon membership in the United Transportation Union or the absence of such membership.

(4) For the information and guidance of International officers and employees, the International President will compile and publish a manual showing the wages and working conditions applicable to International employees. If and when changes are made appropriate supplements will be issued for inclusion in said manual. All International officers and employees will be furnished with copies of this manual and the supplements thereto.

(5) If and when International employees establish a collective bargaining procedure in accordance with applicable State or Federal laws and through the exercise of that procedure an agreement covering wages and working conditions of International employees is consummated, Item 2, hereof, becomes void and of no effect.
Designated Legal Counsel Policy

The following Designated Legal Counsel policy is published here pursuant to the adoption of a resolution carried in executive session on the fourth day of the Ninth Convention of the United Transportation Union (July 31, 2003) at Anaheim, California:

All Designated Legal Counsel (DLC) shall agree as a condition of becoming or remaining a DLC that he or she will be subject to and fully comply with the Rules of Conduct and decisions of the UTU Board of Ethics and Qualifications whose decisions shall be final, binding and conclusive. Each DLC shall, as a condition of becoming or remaining a DLC, shall specifically in writing waive any and all recourse to any court of law or any tribunal to challenge any action or decision of the Board, its members, or the officers and agents of the UTU which in any way relates to the DLC program.

All DLC shall agree as a condition of becoming or remaining UTU Designated Legal Counsel that he or she will comply with and be subject to the ABA Model Rules of Professional Conduct as well as the state-law professional responsibility rules and canons for the jurisdiction in which they practice.

The agents of the Union, its officers, staff, and representatives have a duty to exercise their authority solely on behalf of the UTU and its members. The agents of the union must set aside their personal interests and act in the best interests of the Union and its members. No prospective or current DLC shall aid or abet anyone in the violation of their fiduciary duty.

Because an agent of the UTU must make each decision based solely on the best interests of the union, it is necessary that the agent be free of improper outside influences that would interfere with an ordinary person’s objectivity in making the decision. Any such influence creates a prohibited conflict of interest. No prospective or current DLC shall offer or attempt to improperly influence any decision of an agent of the UTU.

Any DLC solicited for a payment or contribution by any UTU or UTUIA officer, staff member, employee, or member must report the details including the date, time and amount of such solicitation to the Board of Ethics immediately and in writing. This is in addition to and not a substitute for any other legal or ethical requirement that may attach.

Any and all payments, and gifts over $100 in value, given by any DLC to any UTU or UTUIA officers, or staff member or other employee at the International, General Committee or Local level, or to any member, shall be reported to the Board of Ethics through the General Counsel’s office on a form to be provided. Such report shall fully disclose the
details of any payment or gift of whatever kind whether related or unrelated to Federal Employer’s Liability Act (FELA) cases.

All DLC’s will be permitted to become members of UTU, paying all dues except General Committee of Adjustment dues, and should be available and willing to attend their local’s meetings and answer questions concerning the FELA and related laws.

No DLC, under any circumstances, at any time, shall become involved in union politics. DLC’s may, but are not required to, sponsor generic union social and fraternal events and Regional Meetings to promote unity and education among the union’s officers and members.

Any request by a UTU member for a political contribution from a DLC and any provision by a DLC of a political contribution of any kind including, without limitation, anything of value such as money, goods, services or entertainment to or on behalf of a candidate for union office is absolutely prohibited. Any such solicitation must be immediately reported to the Board of Ethics. The employment of or provision of office space to full-time UTU elected officers, staff or employees is prohibited.

Under no circumstances is a referral fee to be paid to any UTU member who recommends the DLC to an injured employee. If such a fee is requested, the Board of Ethics shall be immediately notified.

As provided in ABA Model Rule 5.4: “A lawyer or law firm shall not share legal fees with a non-lawyer.” Any contingency fee charged by a DLC in cases involving a UTU member concerning an on-the-job injury under FELA and related laws will not exceed 25 percent of the recovery, exclusive of costs.

Each DLC and members of their firm must be willing to give advice concerning the rights and liabilities of union members for on-the-job injuries, either by telephone or by interview, at no cost to the union member, and should return all members’ calls related to such issues.

Any civil, criminal, administrative or bar complaint, investigation or proceeding commenced against a DLC by any union member or governmental entity shall be immediately reported to the Board of Ethics.

If a state bar association or other body recommends a finding that a DLC or a member of their firm violated ethical obligations, or such
violations are found by any court or other adjudicatory body, the DLC shall immediately notify the Board of Ethics.

DLC’s should immediately advise the UTU General Counsel if there is any significant change in the membership of their firms (e.g., merger, consolidation, departures, etc.).

No appointment of DLC shall be made by the International President of the UTU unless the ethical and professional qualifications of such candidate shall be certified following a thorough review by the UTU Board of Ethics and Qualifications prior to such an appointment.

The failure to comply with any of these Rules shall be cause for sanctions up to and including immediate revocation of the DLC designation by the UTU Board of Ethics and Qualifications, and in the case of UTU members, referral to the International President for corrective action consistent with the UTU Constitution.

There shall be established a UTU Board of Ethics and Qualifications (“Board of Ethics”). The Board shall consist of three members: the Neutral decision-maker, whose title shall be Chairperson of the Board; the UTU General Counsel, who shall serve as Secretary and be responsible for its administration in the receipt, investigation and docketing of complaints and other correspondence; and a Board Counsel who shall be an experienced attorney in private practice and shall serve as counsel to the Chairperson of the Board. Board Counsel shall investigate any complaints filed with the Board through the General Counsel and otherwise assist in the development of the record to be presented to the Chairperson of the Board. The Chairperson of the Board shall be an experienced Neutral who shall be the sole decision-maker on matters of qualifications or complaints before the Board. The General Counsel shall choose the Board Counsel, and they both shall choose the Chairperson of the Board. The independent judgment of the Board shall be protected and preserved. The Chairperson of the Board shall have a five-year term, and may only be removed for misfeasance or nonfeasance.

The Board shall adopt the foregoing Rules of Conduct and such others as are deemed appropriate. The Board shall establish a procedure for the certification of proposed DLC based on their ethical and professional qualifications. The Board shall adopt a complaint procedure to review inquiries or complaints concerning alleged violation of the Rules of Conduct. The procedure is intended to be informal and the record shall be based in the written submission of the parties and witness interviews.
## ELECTIONS

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(1) For chairperson – if elected by referendum