



**CONSTITUTION  
OF THE  
INTERNATIONAL  
UNION OF  
PAINTERS AND  
ALLIED TRADES**

**EFFECTIVE JANUARY 2020**

# CONSTITUTION

OF THE INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES

And Laws Governing  
Subordinate Bodies Under  
Its Jurisdiction Issued  
January 1, 2020  
First Printing

Affiliated With  
The American Federation  
of Labor and Congress of  
Industrial Organizations

Organizing Since 1887



## **PREAMBLE**

We the members of District Councils and Local Unions affiliated with the International Union of Painters and Allied Trades—believing that organization and collective action is necessary to foster and adopt ways and means for the continuous improvement of the working and living standards of the members of this International Union; to secure legislation in the interests of our members; to bring about higher wages, shorter hours and better working conditions for them; to influence public opinion by peaceful and legal methods in favor of our affiliated organizations and all organized labor generally; to promote, encourage and bring into existence satisfactory contractual relationships with employers in the industries from which the members of our affiliates are drawn; to advance and maintain better relations between our members and their employers; and to otherwise enrich the lives of our members and their families, all other working men and women, and all mankind—do hereby formulate and adopt this Constitution for our guidance and government.

# CONSTITUTION

## NAME AND COMPOSITION

**Sec. 1.** The name of this International Union shall be the International Union of Painters and Allied Trades. The International Union shall be comprised of an unlimited number of District Councils, Local Unions and other subordinate bodies subject to its laws and usages.

## OBJECTS

**Sec. 2.** The objects of this International Union are:

To organize workers and to improve their lives and livelihoods and the welfare of their families through the benefits of collective bargaining;

To aid members to become more skillful and efficient workers; To promote general knowledge and education;

To improve and better their wages, hours and conditions of labor;

To cultivate friendship among the members of the International and render assistance in securing employment;

To promote individual rights and recognition in the member's trade or occupation;

To raise funds for the benefit of sick, disabled or unemployed members, and the families of deceased members who continuously complied with our laws;

To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age, gender or sexual orientation;

To secure improved wages, hours, working conditions and other economic advantages for our members and their families through organizing and collective bargaining, through advancement of our standing in the community and in the labor movement, and other lawful methods;

To provide educational advancement and training for officers, employees and members;

To safeguard and promote the principle of free collective bargaining, the rights of all workers and the security and welfare of all the people by political education and other community activity;

To protect and strengthen our democratic institutions and preserve and perpetuate the cherished traditions of democracy;

To protect and preserve the union as an institution and in the performance of its legal and contractual obligations;

To protect and enhance the stature and well-being of workers and their families by promoting and securing the passage of progressive legislation;

To create a marketplace in which an atmosphere of labor/management cooperation will enhance prosperity for union employers while, at the same time, ensuring job security, safety, training and excellent wages and benefits for our members;

And such other objects, for which working people may lawfully combine, having in view their mutual protection and benefit.

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

## **SEAL**

**Sec. 3.** (a)The seal of this International Union shall be as follows: A seal which shall make an impression upon paper and on

the inside of the outer scroll of which shall be the words “International Union of Painters and Allied Trades.”

(b) No District Council, Local Union or other subordinate body or any member shall be permitted to issue charters, seals, blanks, or other documents, or establish websites, bearing the seal of the International Union, the name or acronym of the International or to use any trademark, service mark or mark of any kind that is commonly associated with the International Union, or to engage in conduct that may interfere with the intellectual property rights of the International Union, without the approval of the General President. Nor shall any member or subordinate body, in the publication of programs, souvenirs or other documents or websites designate the same as “The Official Journal”, of the International Union or as the “Painters and Allied Trades Journal” (the registered name of our official Journal), or represent, in any manner, that such publication or website has been approved by the International.

## **HEADQUARTERS**

**Sec. 4.** The General Offices and Headquarters of this International Union shall be at such location as the General Executive Board may determine.

## **RITUAL**

**Sec. 5.** The ritual and obligation shall be administered in such form as is established, and as is revised from time to time, by the General Executive Board.

## **JURISDICTION**

**Sec. 6.** This International Union shall have jurisdiction over all workers engaged in: all painting, decorating and coatings applications and wall covering; all levels of drywall and wall finish-

ing; any and all labor, material, tools or equipment for preparatory work or surface treatment, including mold remediation, work in relation to painting, decorating and coatings applications, wall covering, drywall and wall finishing; glazing; architectural metal and glass work; flooring and decorative floor covering work; paint and coatings manufacturing; sign, convention and display work; show decorators; scenic artists and designers; metal polishers; civil service, public and professional employees; book-binding; maintenance work; chemical, clerical and warehouse workers; any and all units, as well as all apprenticeable crafts, that have historically been part of this International Union; and any and all work as may be obtained and maintained through organizing and collective bargaining. Such work shall include, but not be limited to:

(a) **Painters:** Work will include, but not be limited to: (1) preparation, application and removal of all types of coatings and coating systems in relation to all painting, decorating, protective coatings, coating and staining of concrete floors and toppings, waterproofing, masonry restoration, fireproofing, fire retarding, metal and stone polishing, refinishing, sealing, lining, fiber-glassing, E-Glass fiberglass, carbon fiber, encapsulating, insulating, the application of thermal insulating coatings and any other coating with insulating properties, metalizing, flame spray, the application of Exterior Insulating Finishing Systems; (2) each and all such applications, and similar or substitute applications, on all surfaces, interior and exterior, to include, but not be limited to: residences; buildings; structures; industrial, power, chemical and manufacturing plants; bridges; tanks; vats; pipes; stacks; light and high tension poles; parking, traffic and air strip lines; trucks; automobile and railroad cars; ships; aircraft; and all machinery and equipment; (3) any and all material used in preparation, application or removal of any paint, coatings or ap-

plications, including, but not limited to: the handling and use of thinners, dryers, sealers, binders, pigments, primers, extenders, air and vapor barriers, emulsions, waxes, stains, mastics, plastics, enamels, acrylics, alkyds, epoxies, epoxy injection and T-Lock welding, sheet rubber, foams, seamless and tile-like coatings, etc.; (4) all preparation for and removal of any and all materials for finishes, such as deep cleaning, patching, all levels of finishing, taping/finishing, skim coating, pointing, caulking, high pressure water, chemical and abrasive blasting, environmental blasting, wet/dry vacuum work, chemical stripping, scraping, air tooling, bleaching, steam cleaning, asbestos and lead abatement/removal; (5) the inspection of all coatings and/or coating systems during their applications will be performed by members of this International Union.

(b) **Wall Covering** work will include, but not limited to: (1) all material applied to walls or ceilings with adhesive, staples, tacks, by stretching or adhered by any other method, including all papers, vinyl's, flexible woods, fabrics, borders, metals, upholstered wall systems, the fabric covered panels made of plastic/wood or prefinished products of micro fiberglass, etc., acrovin and various plastic wall coverings such as wainscoat, caps, corner moldings and accessories; (2) any and all preparation of walls and ceilings such as scraping or any methodology for removal of existing materials, including patching, leveling, skim coating and priming.

(c) **Drywall Finishing** work will include, but not be limited to: (1) the preparation or leveling of any surface or substrate which is to receive a coating, finish and/or wall covering; this will include, but not be limited to, all levels of finishing and/or spackling of all surfaces, including gypsum wallboard taping and finishing, fire taping and all firestopping systems, glaze coatings, skim coating or any other finishing system, spotting of nails, finishing of corner beads/flex beads, patching and sanding.



(2) The application of all stucco and dryvit systems.

(d) **Glaziers, Architectural Metal and Glass Workers:** General Glazing will include, but not be limited to: (1) the installation, setting, cutting, preparing, fabricating, distributing, handling or removal of the following: glass and glass substitutes used in place of glass, preglazed windows, retrofit window systems, mirrors, curtain wall systems, window wall systems, cable net systems, canopy systems, structural glazing systems, unitized systems, interior glazing systems, photovoltaic panels and systems, suspended glazing systems, louvers, skylights, entranceway systems including doors and hardware, revolving and automatic door systems, patio doors, store front systems including the installation of all metals, column covers, panels and panel systems, glass hand rail systems, decorative metals as part of the glazing system, and the sealing of all architectural metal and glass systems for weatherproofing and structural reasons, vinyl, molding, rubber, lead, sealants, silicone and all types of mastics in wood, iron, aluminum, sheet metal or vinyl sash, doors, frames, stone wall cases, show cases, book cases, sideboards, partitions and fixtures; (2) the installation of the above systems, materials or any materials or subpart of the above systems, when in the shop or on the job site, either temporary or permanent, on or for any building in the course of repair, remodel, alteration, retrofit or construction; (3) the installation and welding of all extruded, rolled or fabricated materials including, but not limited to, all metals, plastics and vinyl's, or any materials that replace same, metal and vinyl tubes, mullions, metal facing materials, corrugated flat metals, aluminum panels, muntins, fascia, trim moldings, porcelain panels, architectural porcelain, plastic panels, unitized panels, showcase doors, all handrails and relative materials, including those in any or all types of building related to store front, door/window construction and curtain wall systems; (4) the installation of automat-

ic door entrances, door(s) and window(s) frame assemblers such as patio sliding or fixed doors, vented or fixed windows, shower doors, bathtub enclosures, storm sash where the glass becomes an integral part of the finished product, including the maintenance of all of the above; (5) bevelers, silverers, scratch polishers, abrasive blasters, flat glass wheel cutting, mitre cutters, engravers, hole drilling, machine operations belt machines and all machines used in the processing of glass, automatic beveling, silvering, grinding, polishing, unpacking and racking of glass, packing glass, glass cleaners in shops, mirror cleaning, assembling, framing and fabrication and assembling of all insulated and non-insulated units, fabrication and mounting of mirrors and the operations of all machines and equipment for these operations; (6) the selecting, cutting, preparing, designing, art painting, and installing of fused glass, thick facet glass in concrete and cementing of art glass, and the assembly and installing or removal of all art glass, engraving, drafting, etching, embossing, designing, abrasive blasting, chipping, glass bending, glass mosaic workers, cutters of all flat and bent glass; glass shade workers, and glaziers in lead or other metals; the fabrication and distribution of all glass and glass-related products; (7) any and all transportation, handling, unloading and loading of tools, equipment and materials will be performed by members of this International Union.

(e) **Paint Makers** will include, but not be limited to all workers engaged in the mixing, testing, preparing and/or manufacturing of paint, coatings, caulking, putty, sealants, etc. and handling of lead, color, oil, lacquer, varnish, synthetic resin, acrylic paints and coatings, etc., including any and all materials for the same.

(f) **Floor and Decorative Coverings Workers:** Work will include, but not be limited to: (1) measuring, cutting, fabricating, fitting, installing to be cemented, tacked or otherwise applied to its base and/or underlayment(s) wherever it may be, all materi-

als whether used either as a decorative covering, topping or as an acoustical appliance such as carpets of all types and designs, sheet rubber, sheet vinyl, pre finished hardwood floors, laminate floors and laminate floor systems, cork carpet, rubber tile, asphalt tile, tile, cork tile, interlocking tile, mastipave, composition in sheet or tile form and all derivatives of above; artificial turf and derivatives thereof, all resilient seamless materials such as epoxy, polyurethane, plastics and their derivatives, components and systems; (2) the fitting of all devices for the attachment of the above materials and the fitting of all decorative or protective trim to and adjoining the above materials which shall include the drilling and plugging of holes and attaching of strips, slats, nosing, etc., on any base and/or underlayment(s) where the above materials are to be installed or applied, such as drilling, plugging and slatting for installing or fastening of carpet, the installing of all nosings, cap strips, corner beads and edgings of any material and the preparatory work of the craft for all of the aforesaid, which includes but is not limited to, substrate preparation and the application of all self-leveling, trowelable and board underlayments; (3) the removal of the aforementioned installed material from its base and/or underlayment as required; (4) the cleaning of rugs and carpets and all drapery hanging, make-up and the installation of drapes and window treatments.

(g) **Sign and Display:** Sign and Display Painters' work shall include, but not be limited to: (1) the making, erection and installation/removal of all signs and servicing of same, designing, lettering and pictorial work of any kind, including vinyl signs, vinyl substrates, vinyl vehicle wrapping and the preparing for the finishing of same, be it by hand brush, roller, spray, mechanical or computer-aided and by any other method or process pertaining to same; (2) they shall have control of all branches, methods and processes of screen process work; tube bending and display

work such as creating, designing, building and finishing of all display matter and its related operations used for advertising purposes, including all art work and lettering whether it is done by hand, mechanical or computer aided or by any other method or process pertaining to same; (3) the construction, erection and maintenance of all billboards and all communication advertising, whether digital or in other form.

(h) **Display Convention and Show Decorators:** The display convention and show decorators' work will include, but not be limited to: (1) the delivery, loading and unloading and the installation and removal of all exhibits (floor to ceiling) and related materials in connection with trade shows and conventions, including, but not limited to: trade show and convention booth assembly and disassembly; installation and removal of interior and exterior decorations, flags, drapes and other display materials; uncrating, assembly, installation, removal, disassembly and re-crating of all commercial exhibits; (2) the installation and dismantling of furniture owned by the employer, the installation and removal of floor coverings and special event displays; (3) the construction, preparation, erection and maintenance of all signs, lettering, pictorial work, screen process work, show card writing, commercial exhibits and fabrication of advertising displays and pattern and sketch making, scale model making, the preparation of training aids and mockups and application of plastic, scotch-lite and similar reflective materials.

(i) **Scenic Artists and Designers:** Scenic Artists' and Designers' work will include, but not be limited to: models, sketches, carpenter drawings, painting for theatrical productions, motion picture settings and all the various effects; the painting of properties and decorations which may be used to decorate stage, motion picture and TV settings, mural paintings, display creations, costumes and the art of make-up and all its various effects.

(j) **Metal and Stone Polishers:** Metal and Stone Polishers' work will include, but not be limited to: new construction and existing sites consisting of metal and stone polishing, both the initial and continuing maintenance which shall include, but not be limited to, coloring, lacquering, spraying, application of vinyl coatings, cleaning, caulking, polishing, sealing and finishing of ornamental and architectural marble, granite, iron, bronze, brass, nickel, aluminum, stainless steel and all metal and stone specialty work.

(k) **All Tools, Equipment and Material:** (1) the handling, assembling, disassembling, operation, maintenance, storage and transporting of all tools, equipment and material used or that may be used by members of this International Union in performing their trade or work; (2) the loading, unloading, hoisting, lifting and rigging of any and all materials, tools and equipment will be done by any members and units coming under the International Union's jurisdiction; (3) tools, material and equipment, as used herein, shall mean any tools or aids used or worn by workers performing any task required to complete a project, including but not be limited to, brushes, rollers, spray painting equipment, coating applicators, all miscellaneous hand and power driven tools, all robotic, computerized mechanical and manually operated abrasive, shot, bead, water and related blasting equipment, containment systems, ventilation/dehumidification systems, vacuum recovery units, wet and dry vacuum systems and any and all related safety equipment, ladders, scaffolding, lifts and all other dedicated rigging, including the handling, erection and dismantling of same, the operation and maintenance of all types of compressors.

(l) **Related Work:** Members of this International Union shall also have jurisdiction of: (1) all processes and procedures for decontamination of all contaminated areas; (2) all clean-up of any type of debris caused by or during the preparation and/or application of any work described in this Section.

(m) **Technological Improvements, Advancements, New**

**or Substitute Systems or Processes and/or New or Substitute Materials:** The jurisdiction of this International Union shall include and extend to any and all new or substitute systems or processes, new or substitute materials and technological improvements or advancements in any existing or new system, process or material that is referred to or incorporated in any of the provisions in the General Constitution or any collective bargaining agreement to which the International or any of its subordinate bodies is a party.

### **DISSOLUTION OF THE INTERNATIONAL UNION**

**Sec. 7.** This International Union can only be dissolved by a vote of the membership of the Local Unions at a special meeting expressly called for that purpose. The vote shall be by secret ballot and it shall be necessary for a majority of all the members in good standing in each of the Local Unions to vote affirmatively for dissolution in order to make such vote valid. As long as there are five (5) or more Local Unions, which have failed to vote, or failed to vote affirmatively for dissolution, the International Union cannot be dissolved.

**Sec. 8.** Any reference to a single gender in this document shall be read to incorporate both the male and female genders.

### **GOVERNMENT OF THE INTERNATIONAL UNION**

**Sec. 9.** This International Union shall be governed by the following bodies:

- (1) General Convention.
- (2) General Executive Board.
- (3) General Officers.
- (4) District Councils.
- (5) Local Unions.

**Sec. 10.** All the sovereign powers, including the legislative,

executive, administrative and judicial powers, of this International Union, shall be vested in its General Convention when in session.

**Sec. 11.** All the powers of the General Convention shall, when the General Convention is not in session, pass to and vest in the General Executive Board, with the exception of such powers as may herein be specifically delegated to the various officers and subdivisions of the International Union, or be reserved to the General Convention alone.

**Sec. 12.** (a) All the powers exercised by the General Convention when in session and all the powers exercised by the General Executive Board when in session shall, when such bodies are not in session, pass to and vest in the General President, except, as expressly limited in this Constitution, and such powers shall be exercised subject to the approval of the General Executive Board. All other General Officers shall exercise such powers as are conferred upon them by this Constitution.

(b) The District Councils and Local Unions shall have authority to exercise such powers as are conferred upon them by this Constitution.

**Sec. 13.** Except to the extent necessary to accomplish the purposes and objectives of this International Union as set forth in this Constitution, and except as may be otherwise provided herein, the subordinate bodies of the International Union shall have autonomy in the conduct of their affairs, including organizing activities and the negotiation, administration, and enforcement of their Collective Bargaining Agreements and engaging in economic activity to that end.

**Sec. 14.** The International Union shall not be responsible for any actions, activities, statements or omissions of any District Council, Local Union or any of the International's subordinate bodies or their officers, agents, employees or representatives unless the same were expressly authorized or directed, in writing, by

the General President or General Executive Board. In addition, and not in limitation of the foregoing, neither a District Council, Local Union nor any other subordinate body, nor any of the officers, agents, representatives or employees of such subordinate bodies, has the power to make any representation, contract, promise or agreement, or to incur any liability for or on behalf of the International Union, or which shall be binding upon the International Union, without the written consent of the General President or his designee. No District Council, Local Union or other subordinate body or any of the officers, agents, representatives or employees of such subordinate bodies, is authorized or empowered to act as agent of the International and no such person or entity shall be deemed an agent of the International Union unless expressly authorized in writing by the General President or his designee.

## **FINANCES**

**Sec. 15.** The fiscal quarters in the year shall begin January 1, April 1, July 1, and October 1.

**Sec. 16.** The revenue of the International Union shall be derived from the following sources:

- (a) A per capita tax.
- (b) International administrative dues.
- (c) Administrative Processing fees or application fees.
- (d) Reinstatement and clearance card fees.
- (e) Sale of supplies.

(f) Interest on money on deposits in banks or on other investments as prescribed in this Constitution.

(g) Assessments levied in accordance with the provisions of the Constitution.

(h) Revenues from property owned.

(i) The sale of such publications as are authorized by the General Executive Board.



(j) Any other sources not prohibited by this Constitution or by law.

**Sec. 17.** (a) For the period 2020 to 2024, the per capita tax shall remain at \$31.10. Thereafter, absent General Executive Board action, on January 1 of each year, the International Union's per capita tax shall be automatically increased by a percentage equal to 1.8 times the percent increase in the cost of living during a twelve-month period ending August 31 preceding each respective effective date, as determined by the Consumer Price Index for All Urban Consumers (CPI-U) issued by the U.S. Bureau of Labor Statistics. For example, the increase effective January 1, 1990, shall be determined by the cost of living increase in the period September 1, 1988 to August 31, 1989. In each case, the new per capita tax shall be rounded to the nearest ten cents (10¢). If the CPI-U is negative or flat for the year, absent General Executive Board action, the per capita tax shall be increased, using the above formula, as if the CPI-U increased by 1%.

As soon as possible after the issuance of the CPI-U, a Committee appointed by the General President shall meet and certify the amount of per capita tax increase under the foregoing formula. The certified amount shall be forwarded to the General Executive Board and shall become effective on January 1 unless the General Executive Board reduces the certified amount, in which event the amount established by the General Executive Board shall become effective on January 1. The General Secretary-Treasurer shall notify all Local Unions in writing of the new per capita tax to become effective on the first of the year. The Committee appointed by the General President will also review, and make recommendations to the General Executive Board on International Union finances. The per capita tax shall be paid for each member in good standing except Life Members while not working at the trade and members who transfer to Life Membership on or after January 1, 1980.

For non-members paying the Local Union agency fees or other fees equivalent to dues paid by members, the Local Union shall remit to the International Union a fee equivalent to the per capita tax set forth in this section. For non-members paying the Local Union agency fees, service fees, or other fees that are less than dues paid by members, the Local Union shall remit to the International Union a fee equivalent to eighty percent (80%) of the per capita tax set forth in this section.

(b) Each Local Union shall pay to the International Union a \$2.00 per month death benefit payment on all members covered by the Death Benefit Fund pursuant to Section 284 and the rules and regulations of the Fund, except Life Members while not working at the trade, and members who transfer to Life Membership on or after January 1, 1980.

(c) Each Local Union shall collect from the member and forward to the International Union a \$3.00 per month death benefit payment on each member who transfers to Life Membership after April 1, 1975 who no longer works at the trade, and who elects to continue his or her eligibility in the Death Benefit Fund.

(d) For members who transfer to Life Membership on or after January 1, 1995 the Local Union shall collect from the member a monthly fee of \$8.00 and forward \$5.00 of that amount to the office of the General Secretary-Treasurer, as per Section 98(e)(1).

For members who transfer to the LR Class of Life Membership, the Local Union shall collect from the member a monthly fee of \$12.00 and forward \$9.00 of the amount to the office of the General Secretary-Treasurer as per Section 99 (e) (1).

(e) No changes can be made in this section except in Convention.

(f) The General Executive Board shall not exempt any Local Union from payment of per capita tax; provided, however, the General Executive Board may, in its sole discretion, upon a spe-

cific finding that the interests of the International or the good and welfare of members so require, grant a waiver of this provision or otherwise reduce the obligation of Local Unions to pay per capita tax.

**Sec. 18.** (a) Each member shall pay to the International Union, International administrative dues in the following amounts: Effective June, 1, 2020, \$0.05 for every hour worked, and effective June 1, 2022, \$0.10 for every hour worked under a collective bargaining agreement to which the International Union or any affiliate is a party, provided that the General Executive Board shall have authority to exempt certain groups of members from the obligation to pay International administrative dues, or to establish a reduced rate for specialty bargaining units.

(b) These international administrative dues shall be collected by the District Council and transmitted to the General Secretary-Treasurer on a monthly basis.

(c ) District Councils shall collect International administrative dues through the dues check-off provisions of all collective bargaining agreements. The administrative costs of collection shall be the responsibility of the District Council.

(d) Members who execute a dues check-off authorization shall remain in good standing even if their employer does not transmit dues, provided they meet all other good standing requirements. Members who refuse to execute an authorization for dues check-off are still obligated to pay the full amount of International administrative dues. District Councils are responsible for collecting and transmitting the dues of such members. A member who fails to pay International administrative dues within 90 days of being paid by his or her employer shall stand suspended. If such failure continues for 180 days, the member shall be dropped.

(e) The General President, with the approval of the General

Executive Board, may establish alternate arrangements with any District Council for the payment by the District Council of International administrative dues on behalf of the members of that District Council.

(f) District Councils shall provide the International Union with all documentation that the General Secretary-Treasurer determines is necessary to verify the amount of International administrative dues owed by each member, including but not limited to each collective bargaining agreement maintained by the District Council and remittance reports received by the District Council showing the hours worked by each member. Such reports shall be submitted in the format prescribed by the General Secretary-Treasurer.

**Sec. 19.** In order to ensure adequate funding of the Death Benefit Fund, the death benefit payment called for in Section 17(b) may be increased by the General Executive Board, if in the Board's sole discretion, it concludes that an increase is necessary to maintain the solvency of the Death Benefit Fund. The General Executive Board may also divert a portion of the death benefit payment to the General Fund if the Board concludes, after consultation with an actuary, that such diversion will not imperil the solvency of the fund. Should the General Executive Board direct such a diversion, the amount so diverted will not be included as part of per capita for the purpose of calculating the annual cost of living increase.

**Sec. 20.** A Finance Committee consisting of the General President, the General Secretary-Treasurer and a member of the General Executive Board selected by that Board shall be empowered and authorized under the general supervision of the General Executive Board, to invest all funds of the International Union in excess of such amounts as may be necessary to hold subject to immediate call, in such investments as may be made by fiducia-

ries under applicable laws. The Finance Committee shall retain the services of an investment counselor. All investments shall be maintained in the name of the International Union, or in the name of a bank nominee of the International.

**Sec. 21.** (a) All revenue received from death benefit payments (other than any amounts diverted to the General Fund pursuant to Section 18) and all revenue generated by investment of death benefit funds shall be placed in the “Death Benefit Fund” and shall be used for no purpose other than maintaining such Fund and the payment of claims and benefits there under. All costs of maintaining and administering the “Death Benefit Fund” shall be paid from the assets of said Fund. The General Executive Board together with the General Secretary-Treasurer shall determine the amount of said costs.

(b) That portion of per capita tax allocable to the Accidental Death Benefit Fund, to provide accidental death benefits to all members in good standing as described in Section 283, shall be placed directly into that Fund.

(c) That portion of per capita tax designated for the International Union of Painters and Allied Trades Political Action Together-Legislative and Educational Committee Fund, a separate segregated fund, shall be placed directly into that Fund.

**Sec. 22.** All other revenue, not designated to specific Funds under Section 21, shall be placed in the International Union’s General Fund. Allocations from that Fund to various purposes shall be decided upon by the General Executive Board from time to time based on the needs of the International Union; provided, however, the General Executive Board shall establish and maintain a dedicated General Convention Fund and make appropriate periodic allocations to that Fund sufficient in amount to pay the expenses of the General Convention.

## AUDIT OF ACCOUNTS

**Sec. 23.** (a) The General Executive Board shall, prior to January of each year, notify three (3) District Council Business Manager/Secretary-Treasurers (no two of which may be in the same state or province) to appoint a member in good standing to serve on the auditing committee, the duty of which shall be to audit the accounts of the General Office. No Local Union shall furnish a member of the committee more than once in two (2) years.

(b) Members of the auditing committee shall receive, during their employment, remuneration as provided in Section 44(d).

**Sec. 24.** (a) The General Executive Board shall secure the services of an independent certified accountant, who shall act in conjunction with the auditing committee.

(b) The report of the committee and accountant, signed and attested before a Notary Public, shall be published in the next issue of the official Journal following the close of the audit.

## GENERAL CONVENTION

**Sec. 25.** (a) This International Union shall meet in General Convention every five (5) years, at a time, date, and place to be designated by the General Executive Board. At this meeting the General Officers of this International Union shall be elected in accordance with the Constitution. The General Officers, following their election and qualification, shall continue in office until their successor is elected and qualifies under the provisions of the Constitution.

(b) Laws adopted shall become effective January first following the close of the regular General Convention, unless otherwise designated.

**Sec. 26.** (a) Special General Conventions: A Special General Convention may be called when 125 Local Unions make a request therefore or when the General Executive Board deems it

necessary to do so. The place for holding such Special Convention shall be selected by the General Executive Board.

(b) Each Local Union requesting a Special Convention, shall certify that such request was made upon a majority vote of those present and voting at a meeting of said Local Union at which the question of a Special Convention was voted upon. Not more than 10 Local Unions in each state or Province shall be counted in the requisite number of the 125 Local Unions.

### **Representation**

**Sec. 27.** A Local Union, to be entitled to representation in any regular or special General Convention, shall have been chartered for at least six (6) months prior to the holding of such Convention, and must have paid its per capita tax to the International Union up to and including the second month preceding the Convention month. Such payment must be received by the office of the General Secretary-Treasurer no later than the last business day of the month preceding the Convention month.

**Sec. 28.** (a) Local Unions shall be entitled to representation in the General Convention according to the number of members on whom per capita tax shall have been paid, determined as of a date certain to be set by the General Executive Board prior to each Convention.

(b) Local Unions having 100 members or less shall be entitled to one delegate.

(c) Local Unions having more than 100 members and less than 500, two delegates.

(d) Local Unions having 500 members and less than 1,000, three delegates.

(e) Local Unions having a membership of 1,000 shall be entitled to four delegates and an additional delegate for each 500 members or major fraction over 1,000.

## Election of Delegates

**Sec. 29.** (a) All delegates shall be elected by secret ballot by their respective Local Unions during the month of May preceding the General Convention. Nominations shall be held one meeting prior to the election meeting. Notice of the nomination and election meeting shall be given to the membership at least five (5) days prior to the nomination date and fifteen (15) days prior to the election date.

(b) To be eligible as a delegate a member must:

- (1) be a resident of the United States or Canada;
- (2) (A) be employed (including employment as defined in Section 41), actively seeking employment, or unable to be employed or to seek employment due to disability, within our trades, during the major portion of the 12 months immediately prior to the date of nomination, and (B) be currently active in the trades and not voluntarily drawing a pension from a pension plan sponsored or affiliated with the International Union or a subordinate body of the International Union;
- (3) be a member in continuous good standing for two (2) years immediately prior to the date of nomination, and must have been a member of the Local Union in which he or she wishes to seek office for at least the prior six months, except where qualified members are not available who meet these tenure requirements, in which case the Local Union may elect as delegates members regardless of their length of membership;
- (4) have attended at least one meeting, and attended, or excused his or her absence from, at least twenty-five percent (25%) of the meetings held by the Local Union during the 12 months immediately prior to the date of nomination; a member may excuse his or her absence on



the basis of work conflict, illness, or personal emergency, so long as he or she submits the excuse in writing to the Local Union no later than five (5) calendar days after the missed meeting.

(c) If a Local Union has been chartered for less than two (2) years, but more than six (6) months prior to the date of election of delegates, it may elect members in good standing as delegates regardless of the length of their good standing.

(d) Life Members are not eligible to serve as delegates.

(e) General Officers and General and Special Representatives shall automatically be delegates of their respective Local Unions to Regular and Special Conventions of this International Union. The Business Manager/Secretary-Treasurer of a District Council shall also automatically be a delegate of his or her Local Union to Regular and Special Conventions of this International Union. In addition, members in good standing serving as the Director of Organizing, the Director of Servicing, the Director of Training and the Director of Government Affairs of each District Council shall be automatic, but non-voting, delegates. Local Unions will be entitled to their full quota of delegates as provided in Section 28 in addition to the foregoing delegates.

**Sec. 30.** Alternates to represent the Local Union in case of inability of the regular elected delegate, or delegates, to attend the session, shall be the member, or members that receive the next highest number of votes at the election of delegates. Alternates must have the same qualifications as delegates.

**Sec. 31.** (a) Local Unions may combine to send a delegate, but the delegate must be a member of one of the Local Unions electing him or her and must bear a credential from each.

(b) Each delegate shall be entitled to one (1) vote and no proxy representation shall be allowed.

(c) Except as provided for in Section 34, the expenses of the

delegates, or alternates, shall be defrayed by the Unions they respectively represent.

**Sec. 32.** Certification of election shall be made upon duplicate credentials, furnished by the General Secretary-Treasurer, signed by the President and Recording Secretary, and bearing the Local Union seal. The copy shall be filed at once with the General Secretary-Treasurer and the original shall be presented to the Credentials Committee by the delegate or an alternate.

**Sec. 33.** (a) At the time of nominations for General Convention delegates, the Financial Secretary shall review the eligibility of any candidate and make a report on each candidate at the nominating meeting.

(b) Any question on the eligibility of candidates nominated at such meeting shall be decided forthwith by the presiding officer of the Local Union.

(c) Any member who is ruled ineligible to be a delegate may appeal to the General President. If the presiding officer fails to rule on a question of eligibility, any member may appeal to the General President. To be considered timely the appeal must be postmarked no later than seven (7) days following the nomination meeting. In reviewing eligibility questions, the General President may examine all available and pertinent Local Union, District Council and International Union records. However, and notwithstanding Section 117 or any other provision of this Constitution, in the event of discrepancies the General President may place full reliance on the membership records on file at the General Office and his decision in that regard will be final and binding on all concerned.

(d) Any protest concerning the election of delegates may be presented to the General President. To be considered timely the protest must be postmarked no later than seven (7) days after the election.

## **Mileage, Hotel Room and Per Diem**

**Sec. 34.** (a) The International Union shall pay mileage, at the rate of thirty cents per mile each way, of all delegates entitled to seats and attending the sessions of the General Convention. The applicable mileage rate shall be computed with reference to the shortest reasonable road or highway route between the city of the delegate's Local Union and the Convention city.

(b) The International Union shall provide a hotel room to each delegate, from and including the night immediately preceding the opening of the Convention through the night of the day the Convention is scheduled to adjourns.

(c) All delegates entitled to seats and attending the sessions of the General Convention shall be paid a per diem allowance of \$65.00 for each day the Convention is scheduled to be in session, up to a maximum of five days.

## **Sessions**

**Sec. 35.** (a) During the sessions of the General Convention, only members of the International Union shall be admitted except by consent of the General President.

(b) A quorum for the transaction of business shall consist of a majority of the delegates attending the General Convention.

(c) The General Secretary-Treasurer shall keep a correct record of the proceedings of the General Convention, and shall have it printed daily during the session.

## **Committees**

**Sec. 36.** (a) The General President shall appoint the following Committees: Laws and Constitution; Finance; Credentials; Rules; General President's Report; General Secretary-Treasurer's Report; Appeals; and Resolutions.

(b) The General President may appoint a sub-committee from

among the members of any Committee named in sub-section (a) to perform such duties as the General President may desire.

(c) The General Executive Board is authorized to cause any Committee or sub-committee of any Committee to meet in advance of the General Convention.

## **Resolutions**

**Sec. 37.** If a District Council or a Local Union wants to propose to the General Convention resolutions dealing with general subjects such as organization, building trades, health measures, shorter work day, or legislative enactment, the District Council Delegates or the Local Union membership, as the case may be, must vote on the proposal at a regular or special meeting. At least fifteen (15) days prior to the meeting, notice containing the text of the proposed resolution(s) shall be given to the District Council Delegates or the membership. All resolutions approved for submission shall be in writing, shall bear the signature of the proper officers of the District Council or the Local Union submitting same, and shall be mailed to the General Secretary-Treasurer postmarked at least forty-five (45) days before the convening of the General Convention. Any resolutions considered by a District Council or a Local Union after that time, except resolutions submitted by the General Executive Board, must receive the consent of the Convention to be considered.

## **Appeals**

**Sec. 38.** The General Convention shall consider appeals only from original jurisdiction or appellate decisions of the General Executive Board on charges against members, District Councils, Local Unions, state and provincial conferences or any other subordinate body of the International Union pursuant to Sections 253-281 of the General Constitution. No other rulings or deci-

sions by the General President or the General Executive Board may be protested or appealed to a General Convention.

### **Order of Business**

**Sec. 39.** The General Convention shall be governed by the following rule of order:

1. Call to Order.
2. “Pledge of Allegiance to the Flag” and “Canadian Salute”.
3. Presenting Credentials.
4. Reporting of Committee on Credentials.
5. Roll Call.
6. Appointment of Committees.
7. Resolutions, Memorials and Petitions.
8. Reports of Officers.
9. Reports of Committees on Officers’ Reports.
10. Reports of Committees.
11. Unfinished Business.
12. Election of Officers.
13. Installation of Officers.
14. New Business.
15. Adjournment.

### **GENERAL OFFICERS**

**Sec. 40.** (a) The General Officers of this International Union shall consist of a General President, a General Secretary-Treasurer, and General Vice Presidents in such number as shall exist in accordance with Subsection (c).

(b) The General President shall have the authority to assign the General Vice Presidents to, and direct the General Vice Presidents in, all areas of responsibility. The General Vice Presidents shall represent and service our members in geographic regions in the United States and Canada, which shall be established, and

may be changed from time to time, by the General President. Whenever practicable, the General Vice President assigned to represent and service United States members shall be a resident of the United States and the General Vice President assigned to represent and service Canadian members shall be a citizen of Canada.

(c) Between General Conventions, the General President shall have the authority to change, add to, or eliminate the General Vice Presidents' areas of responsibility, and reduce or increase the number of General Vice Presidents. If by such action the number of General Vice Presidents is reduced, the term of office of the affected General Vice President(s) shall end on the effective date set by the General President, notwithstanding the term of office provision of sub-section (i). If by such action the number of General Vice Presidents is increased, the General President shall appoint the additional General Vice President(s) to serve for the remainder of the normal five-year term.

(d) The General Officers shall be nominated and elected at large by the General Convention.

(e) If there are two (2) or more nominations for the office of General President or General Secretary-Treasurer the vote for such contested office shall be by roll call. The candidate receiving the highest number of votes shall be declared elected.

(f) If there are more nominations for the office of General Vice President than the number of General Vice President positions that exist pursuant to Subsection (c), a vote shall be held by roll call and the nominees needed to fill the existing General Vice President positions receiving the highest number of votes shall be declared elected.

(g) In any roll call vote held pursuant to sub-sections (e) and (f), each delegate shall be entitled to one (1) vote. The roll shall be called by Local Unions. The vote of the delegates of each

Local Union shall be announced by a spokesperson chosen by its delegation; except that if the accuracy of the announced vote of any Local Union is challenged by any member of its delegation the delegates of that Local Union shall be individually polled. The presiding officer shall appoint three (3) tellers who shall record the votes cast by the delegates from each Local Union and prepare and sign a report of the number of votes cast for each candidate.

(h) Any post-convention challenge to the election of General Officers must be in writing and must be mailed to the General President postmarked no later than seven (7) days following the last day of the Convention. Any appeal from the General President's ruling must be in writing and must be mailed to the General Executive Board, through the General Secretary-Treasurer, postmarked no later than seven (7) days following the date of the General President's ruling.

(i) The General Officers shall hold office for five (5) years or until their successors are duly chosen and have qualified. Their terms, unless to fill a vacancy, shall commence on the first Monday following thirty (30) days from the date of their election.

**Sec. 41.** Any member shall be eligible for nomination and election as a General Officer, if the member has been in continuous good standing for five (5) years previous to nomination, was employed, actively seeking employment, or unable to be employed or to seek employment due to disability, within our trades (or occupations) during the major portion of the 12 months immediately prior to the date of nomination, and is not otherwise disqualified by the provisions of this Constitution. The phrase "employed" shall be deemed to include full time employment as an officer, agent, or employee of the International Union, a District Council of the International, a Local Union or other subordinate body of the International, the AFL-CIO, or any of their

departments, a State Federation of Labor, a Building Trades body or a central body recognized by the Local Union of which he or she is a member; or in any department of the local, state, provincial and/or territorial or Federal Government pertaining to labor. It shall not be necessary that a candidate be a delegate to the General Convention. For the purpose of this section, "full-time" shall have the same meaning as in Section 211(j).

**Sec. 42.** The General President, General Secretary-Treasurer and General Vice Presidents shall attend the General Convention and their expenses shall be paid out of the funds of the International Union.

**Sec. 43.** The incumbent General President, or a person designated by the General President, shall act as General Preceptor and install the elected officers.

### **Duties of General President**

**Sec. 44.** (a) The General President shall be the principal executive and administrative officer of the International Union and shall enforce all of its laws according to this Constitution and the policy established herein or by the General Executive Board. The General President shall have direction and supervision of all subordinate bodies and shall exercise day-to-day supervision over the affairs of the International Union, all to the end of obtaining compliance with laws and policies of the International as set forth in this Constitution.

(b) The General President shall preside at the General Convention and conduct the same in conformity with this Constitution; he or she shall have the deciding vote in case of a tie on any question voted on by the General Convention.

(c) The General President, or his or her designee, shall serve as a delegate of the International Union at the conventions or meetings of the American Federation of Labor-Congress of In-



dustrial Organizations, the Building and Construction Trades Department, and other departments and organizations with which the International Union may be affiliated from time to time. The General President shall also appoint all other delegates to such departments and organizations.

(d) Should the General President resign or be removed from office, unless instructed otherwise by the new General President, he/she shall immediately resign any and all elected or appointed offices held in the AFL-CIO or any organizations affiliated in any manner with the AFL-CIO or the IUPAT. Whether an organization is “affiliated” with the AFL-CIO or the IUPAT within the meaning of this paragraph shall be in the sole and absolute discretion of the new General President.

(e) The General President shall act to the best of his or her ability in furthering the interests of the organization.

**Sec. 45.** (a) The General President shall have the authority to appoint, and to discharge or otherwise discipline, all Representatives and Organizers. The General President also shall have the authority to establish their salaries, per diem and other allowances, and change same from time to time, taking into account such considerations as their duties, location, and duration of assignment.

(b) All Representatives and Organizers shall send weekly reports to the General President. The General President shall send a copy of each report to the appropriate General Vice President. Each report shall contain a clear and concise summary of the Representative’s or Organizer’s activities.

(c) The General President shall have the authority to appoint, and to remove or replace, delegates to the Conventions of the AFL-CIO and its Departments with which the International Union is affiliated.

(d) The General President shall have the authority to establish

the salaries, per diem and other allowances, of auditors; delegates to conventions of the AFL-CIO, the Building Trades Department and other AFL-CIO Departments; delegates to Conventions of and members of all committees and members of boards of trustees appointed by the General President or the General Executive Board. The General President also shall have the authority, to change such salaries, per diem and other allowances, from time to time. In exercising this authority the General President shall take into account such considerations as the duties, location, and duration of assignment of the persons involved.

(e) All expenses shall be itemized upon the official forms supplied by the General Secretary-Treasurer, and shall be confined to the items appearing thereon. For any expenditures not covered by such items, receipts must be submitted to the General Secretary-Treasurer along with the official form. Such expenditures will be considered for reimbursement in accordance with policies established by the General Executive Board.

(f) When the conduct of his/her office requires the General President to travel, the General President is authorized, in his or her discretion, to have his/her spouse accompany him/her and the reasonable expenses of such spouse shall be paid by the International Union. The General President may also authorize, in appropriate circumstances, the General Officers or other employees of the International to have their spouses accompany them during the conduct of International Union business, at International Union expense.

**Sec. 46.** The General President shall employ such help as may be necessary to conduct the work of his or her office in a proper manner. The General President shall also be empowered to direct District Councils or Local Unions to assign Representatives in their employ to participate in special projects or assignments (e.g., organizing, educational, political action or other

important campaigns) under the direction and supervision of the General President.

**Sec. 47.** (a) When any question arises respecting the construction or interpretation of this Constitution, the General President shall, in the first instance decide any such question subject to the approval of the General Executive Board. The General President's interpretation and construction of the Constitution shall be accepted and binding upon all parties, subordinate bodies, officers and members of the International Union pending the consideration of such interpretation or construction by the General Executive Board, and such approval or change by the General Executive Board shall be made at its next regular meeting following such interpretation or construction. If the General Executive Board takes no action with respect to such interpretation or construction at such meeting, the same shall be deemed approved by the General Executive Board.

(b) The General President shall preside at all sessions of the General Executive Board.

(c) The General President shall exercise a general supervision over the affairs of the International Union and of all subordinate bodies and perform such other duties as the Constitution may require, and report his or her acts and activities to the General Convention.

(d) The General President shall sign all charters and shall, in common with other General Officers, submit to the General Secretary-Treasurer an itemized account of all monies expended by him or her on behalf of the International Union which, if in accordance with the General Constitution, shall be paid by the General Secretary-Treasurer.

(e) The General President shall have the authority to decide all grievances submitted to the General President by District Councils, Local Unions or subordinate bodies, subject to review

by the General Executive Board.

(f) When the General President makes a decision or issues an order to a subordinate body or the officers or members thereof, the same shall be complied with until such decision or order is reviewed and reversed by the General Executive Board. Refusal to obey such decision or order shall subject the offender to suspension of membership or suspension or revocation of charter or such other disciplinary action as may be deemed appropriate and proper, subject to the approval of the General Executive Board.

(g) Notwithstanding any other section of the General Constitution, the General President shall have the authority, with the approval of the General Executive Board, to order two (2) or more District Councils or Local Unions to merge or otherwise combine if, in his or her opinion, after proper investigation, such merger or combination is in the best interest of the International Union and its members. The General President may also decide the terms and conditions of any merger or combination when the District Councils or Local Unions involved cannot or do not agree. The General President also shall have the authority to transfer funds and other assets of the District Councils or Local Unions so merged or combined to the District Councils or Local Unions into which they are merged or combined. Where action as herein described is taken the General President and General Executive Board shall preserve the membership rights of the members of affected District Councils and Local Unions, including their right to attend and participate in meetings, to vote, to nominate candidates and to be nominated and run for office. The General President shall also have the authority, with the approval of the General Executive Board, to permit two (2) or more District Councils, Local Unions or other subordinate bodies to voluntarily consider a merger or other combination and to approve

the appropriate procedure to be followed and the terms of any such voluntary merger.

(h) The General President, with the approval of the General Executive Board, shall have the authority to permit a District Council(s) or Local Union(s) to charge initiation fees and/or approve exceptions to the rules set forth in Sections 93 and 94.

(i) The General President shall establish and arrange for the funding, either from general revenues or from interested donors, of a Scholarship Awards Program, to be known as the

A.L. "Mike" Monroe and Ralph D. Williams, III Sports Scholarship, in which scholarship grants shall be awarded annually in the amount of \$5,000 each to qualified children of active members, one such scholarship for each Region in the International Union. Subject to approval by the General Executive Board, the General President shall be empowered to establish rules and regulations governing the administration and awarding of such scholarship grants.

**Sec. 48.** (a) The General President shall be empowered to demand and take possession of and examine the books and records of any District Council, Local Union or other subordinate body, or the dues books or official receipts of members, and to delegate such power to any General Officer, General Representative, Auditor and other duly accredited representative. The General President may appoint auditors whenever necessary and should the General President or said auditors discover any discrepancies, errors or misconduct, the General President may suspend the officers, representatives or employees of the District Councils, Local Unions or other subordinate bodies and appoint others to fill the vacancies, pending a complete investigation.

(b) The General President shall have authority to visit any locality for the purpose of investigating and adjusting strikes,

lockouts, grievances and difficulties that may arise between Unions and individual members or between Unions and employers.

(c) The General President shall have power to suspend or revoke the charter of any District Council, Local Union or other subordinate body for any violation of the Constitution or laws of the International, in accordance with the provisions of Sections 253-281. If in the opinion of the General President the rights and interests of the members of the subordinate body or of the International are likely to be placed in jeopardy unless immediate action is taken, the General President may suspend or revoke the charter of a subordinate body prior to the institution of proceedings under Sections 253-281; and in such cases said proceedings will be instituted within a reasonable period of time following the suspension or revocation of charter.

(d) The General President shall have authority whenever he or she deems it necessary to protect or advance the interests of a District Council or Local Union and the International, or to organize and protect its jurisdiction, to require the District Council or Local Union to employ a sufficient number of representatives to cover the jurisdiction or territory involved.

(e) When in the General President's judgment a District Council or Local Union does not organize or protect its jurisdiction or territory, the General President may suspend or revoke its charter, and a new District Council or Local Union may be established, or the jurisdiction or territory be awarded to another District Council or Local Union.

(f) The General President shall, in addition to all other duties and responsibilities set forth in the General Constitution, appoint and supervise the Director of Organizing for the International Union.

**Sec. 49.** The salary of the General President shall be \$335,867.51 per year, and he or she shall be allowed such amount for allowances and expenses as are permitted under policies established by the General Executive Board. The General President shall also be allowed a yearly Contingent Fund for extra expenses in such amount as may be determined by the General Executive Board, not to exceed the sum of \$10,000.00 per annum. At the meeting of the General Executive Board for each quarter, the General President shall submit a report of his/her contingency expenses for approval. The amount of the expenses approved shall be recorded in the official proceedings of the General Executive Board meeting.

### **Authority of the General President to Appoint Special Trustees**

**Sec. 50.** (a) The General President, with or without a hearing, but after investigation, shall have the power, with the approval of the General Executive Board, to appoint a Special Trustee to take immediate charge and control of a District Council or Local Union and its affairs for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of the International Union.

(b) Immediately upon appointment of such Special Trustee, the functions of all officers and employees shall terminate and such functions shall pass to the Special Trustee. The Special Trustee may, thereupon, suspend or remove any officer or employee without pay and appoint temporary officers, or employees in their place, who shall act under the direction of the Special Trustee during the term of such trusteeship. The Special Trustee shall take such other action as in his or her judgment is necessary

for the preservation of the District Council or Local Union and the rights and interests of its members.

(c) The Special Trustee shall report, from time to time, on the affairs and progress of the District Council or Local Union to the General President. The Special Trustee's acts shall be subject to the supervision of the General President, who shall have power at any time to remove such trustee and replace him or her with a successor trustee. The General President shall also have the authority to establish the Special Trustee's salary, per diem, and other allowances, and to change same from time to time. If in the judgment of the General President the subordinate body under trusteeship has the financial ability to pay all or a portion of the salary and expenses of the Special Trustee, the General President may so direct.

(d) Temporary officers must be members in good standing of the Local Union (or, in the case of a District Council, a Local Union affiliated with the District Council). Temporary financial officers must give bonds for the faithful discharge of their duties, satisfactory to the General President, and such bonds shall not be in a sum less than the amount of money the temporary officers are likely to handle.

(e) The Special Trustee shall take possession of all the funds, books, papers and other property of the District Council or Local Union and render an account of same to the General President. The Special Trustee shall pay all outstanding claims, properly proved, if funds are sufficient. If the funds are not sufficient, he or she shall settle the most worthy claims, as his or her judgment dictates, unless otherwise provided for in this Constitution. When the Special Trustee recommends self-government be restored and such recommendation is approved by the General President, the Special Trustee shall return all funds, books, papers and other property to the District Council or Local Union. If, however, the



charter of the District Council or Local Union is suspended or revoked, then any balance remaining to the credit of the District Council or Local Union shall be forwarded to the General Secretary-Treasurer, who shall hold it in trust for the purpose of reorganization. If such District Council or Local Union is not reorganized within a period of two (2) years, then all funds, assets and properties shall revert to the International Union.

(f) A Special Trusteeship shall operate for one (1) year, but may be continued by order of the General President, with the approval of the General Executive Board.

(g) Upon the appointment of a Special Trustee, as provided in this section, in cases where no prior hearing has been held, the General President shall notify the members of the District Council or Local Union that a hearing will be held which will be presided over by a representative appointed by the General President, acting as the Hearing Officer. The notice may be given by the General President or the General President's representative and shall be given in a manner reasonably calculated to provide adequate notice to all members at least five (5) days prior to the time fixed for the hearing. The General President or his or her representative shall fix the time and place of the holding of said hearing, which shall be within 30 days of the appointment of a Special Trustee. At such hearing, interested parties may be heard on the subject of continuing the Special Trusteeship. To assure decorum and order, the General President may limit the size of the group participating in the hearing at any one time, but in no event will any member of the District Council or Local Union involved be denied admittance except for unbecoming conduct. The Hearing Officer shall, either orally or in writing, report back to the General President as to what transpired at such hearing, and the General President shall be the sole judge as to whether or not the affairs of the District Council or Local Union should con-

tinue under trusteeship. If the General President is of the opinion that the affairs of the District Council or Local Union should continue under trusteeship, the General President shall make such decision and notify the Special Trustee and, thereupon, the trustee shall continue to act in accordance with the powers defined in this section. If, upon such hearing, the General President is satisfied that the management of the affairs of the District Council or Local Union do not require the continuance of the Special Trusteeship, he or she shall so decide and the District Council or Local Union and its officers or employees (if their term shall not have expired) shall revert to their former status and continue to operate without trusteeship. In any case where a hearing is held prior to the appointment of a Special Trustee, then the procedures specified in this section shall be followed except that hearing may be held at any time upon fifteen (15) days' notice to the District Council or Local Union.

(h) The determination of the General President following the hearing as provided in Subsection (g) of this section may be appealed to the General Executive Board by (i) in the case of a Local Union, a majority vote of the members, present and voting, or (ii) in the case of a District Council, the majority vote of the members of the majority of the Local Unions affiliated with the District Council. In addition, or in the alternative, any District Council or Local Union over which a trusteeship has been placed may, after a period of not less than six (6) months following the decision of the General President, petition for restoration of self-government upon the vote required for an initial appeal. Upon receipt of such petition the General President shall hold another hearing in the same manner as the hearing provided for in said Subsection (g). If after such hearing the trusteeship is continued, successive petitions for restoration of self-government may be filed and must be acted upon, provided, however, that no

such petition shall be presented at intervals of less than six (6) months. The General President shall have the power to remove the trusteeship at any time.

(i) Neither the authority contained in this section nor the actual exercise thereof shall in any way increase, enlarge or alter the International Union's liability or obligation, if any, for the debts or activities of any affiliated bodies or their officers or representatives. The International Union shall not be liable or responsible for the acts or conduct of a trustee District Council or Local Union or its agents unless such acts or conduct were directed, authorized or ratified by the General President or the Special Trustee. Any debt or obligation of the trustee District Council or Local Union, whether arising before, during, or after the period of trusteeship, must be satisfied from the funds of the District Council or Local Union only, and may not be claimed against International Union's funds unless it was incurred as a result of conduct undertaken by or at the direction of the Special Trustee during the period of trusteeship which would not have ordinarily been undertaken by the District Council or Local Union in the absence of the trusteeship.

(j) This section and the authority therein conferred on the General President shall apply with equal force and effect to all subordinate bodies of the International Union.

### **Duties of General Vice Presidents**

**Sec. 51.** The General Vice Presidents shall assist the General President in carrying out his or her executive and administrative functions as set forth in Sections 44 through 50 of the General Constitution. The General Vice Presidents shall be under the supervision and direction of the General President and shall perform any and all work assigned by the General President.

**Sec. 52.** General Vice Presidents shall submit reports to the

General President, at such intervals and containing such information, as may be required by the General President.

**Sec. 53.** The salaries of General Vice Presidents shall be set and maintained at sixty percent (60%) of the General President's salary, and they shall be allowed such amount for allowances and expenses as are permitted under policies established by the General Executive Board.

### **Duties of General Secretary-Treasurer**

**Sec. 54.** (a) The General Secretary-Treasurer shall conduct all correspondence between his or her Office and District Councils, Local Unions or other subordinate bodies, and receive all monies due from District Councils, Local Unions or other subordinate bodies, giving his or her receipt therefore. The General Secretary-Treasurer shall receive and account for revenues of the International Union.

(b) The General Secretary-Treasurer shall preserve all important documents, papers, accounts, letters received and copies of all letters written by him or her on business of the International Union as convenience of files and space will permit. The General Secretary-Treasurer shall retain records on file for the individual members for determining their standing over the period of their membership or part thereof.

(c) The General Secretary-Treasurer shall have charge of the seal of the International Union and affix it to all official documents.

(d) The General Secretary-Treasurer shall receive all applications for charters, sign and grant the same, when authorized by the General Executive Board.

**Sec. 55.** (a) The General Secretary-Treasurer shall keep accurate records of all International financial transactions and shall pay all lawful bills within the authority of this Constitution.

(b) The General Secretary-Treasurer shall establish and maintain an appropriate recordkeeping system which shall show the age, date of initiation, suspension or expulsion of members and all other information necessary for keeping a complete record of the entire membership.

(c) The General Secretary-Treasurer shall be authorized with the approval of the General Executive Board to prescribe uniform or specific accounting, recordkeeping and financial and membership activity reporting systems and practices for District Councils, Local Unions and other subordinate bodies of the International Union. Whenever any such system or practice has been prescribed and approved, District Councils, Local Unions and other subordinate bodies of the International shall be obliged to adopt and utilize the same.

(d) Such system or practice may include, but not be limited to, a requirement that all dues and/or other receipts of a Local Union be paid directly to a District Council (so as to subject such funds to the stricter auditing procedures of a District Council) thereafter, allocating to the Local Union its share, if any, of such funds, provided that:

(1) The Business Manager/Secretary-Treasurer may designate any affiliated Local Union to continue to have all records, dues, and reporting completed by the Local Union Financial Secretary and Treasurer in accordance with their duties as set forth in this Constitution. The Business Manager/Secretary-Treasurer shall verify that all membership and financial records of the Local Union are accurate and correct, that all reports to the International and per capita payments are made on time, and that all required government forms and reports are timely filed by the Local Union. If the Local Union is not timely and accurate with all required reports and per capita payments to the General Secretary-Treasurer's office, or if the Local Union otherwise fails

to maintain these standards, the General Executive Board may require the Local Union to participate in any centralized dues collection and membership reporting plan promulgated by the General Secretary-Treasurer.

(e) Such system or practice may also include any requirement, deemed reasonable by the General Secretary-Treasurer and the General Executive Board, designed to improve the accuracy of the financial records and reports of a subordinate body or the accountability of its officers and such system may, to the extent deemed necessary by the General Executive Board, modify or eliminate responsibilities assigned to Local Union officers under the General Constitution.

(f) All District Councils and Local Unions shall use the IUPAT Integrated Membership System enhanced (IMSe) computer system or other system approved by the General Secretary-Treasurer for dues collection, member records, and member activity.

**Sec. 56.** The General Secretary-Treasurer shall receive all communications for the General Executive Board and shall submit to the General Executive Board, for interpretation, all points of law arising under the jurisdiction of the International Union, and all grievances and appeals forwarded to him or her unless otherwise provided in this Constitution.

**Sec. 57.** (a) With all calls issued to the Local Unions for referendum votes the General Secretary-Treasurer shall forward envelopes properly addressed, for mailing returns to the General Office. The envelope shall be gummed or provided with some other device for sealing and the General Secretary-Treasurer shall see that they are not opened before they are placed in charge of the canvassing committee.

(b) The General Secretary-Treasurer shall give a correct return of the votes cast on all questions submitted to the referendum.

**Sec. 58.** The General Secretary-Treasurer shall have full charge and management of the Union Label of the International Union and shall have it registered in the several states and in Canada and shall see that it is properly advertised and introduced to the trade union movement. The General Secretary-Treasurer shall prosecute all parties for violation of the registration laws governing the label.

**Sec. 59.** (a) The General Secretary-Treasurer shall have supervision over all staff and personnel employed by him or her, and shall manage and operate any building, space, or premises occupied by the International Union, except as otherwise provided in this Constitution.

(b) The General Secretary-Treasurer shall employ such help as may be necessary to conduct the work of his or her office in a proper manner.

(c) The General Secretary-Treasurer shall deposit all revenue received in banks designated by the General Executive Board. The General Secretary-Treasurer shall be empowered, with the approval of the General Executive Board, to invest the surplus funds of this International Union; and to manage, change, exchange and sell such investments and to make the required reinvestments to properly protect the funds of this International Union.

**Sec. 60.** (a) The General Secretary-Treasurer shall be bonded in the amount and in the manner required by law; but for not less than \$500,000.00. Should the funds in the hands of the General Secretary-Treasurer at any time exceed the amount for which the General Secretary-Treasurer is bonded, the General Executive Board shall have the bond raised to an amount sufficient to thoroughly protect the funds of the International.

(b) Officers and employees of all subordinate bodies who participate in collection, receiving and banking of dues, assessments and other income shall be bonded as required by law with

a financially sound bonding company selected by the General Secretary-Treasurer. The amount of said bond and the officers or employees who must be covered by it will be as set by law, or as determined by the General Secretary-Treasurer.

(c) The General Secretary-Treasurer may, by official action, direct increases or reductions in the amount of said bonds, or changes in positions of persons bonded there under, but in no event will any person or position be bonded for an amount less than required by law. In all instances, the officer or officers or employees entrusted with the collection, custody and safekeeping of funds shall be bonded. The premiums on the bonds written on officers or employees shall be paid by such body in the manner and form designated by the General Secretary-Treasurer.

(d) The General Secretary-Treasurer, with the approval of Executive Board, shall develop a group liability insurance program covering all affiliates. Every District Council shall, unless exempted by the General Executive Board, participate in such insurance program. Premiums shall be paid by the District Councils and Local Unions participating in the program.

**Sec. 61.** The salary of the General Secretary-Treasurer shall be set and maintained at seventy-five percent (75%) of the General President's salary, and he or she shall be allowed such amount for allowances and expenses as are permitted under policies established by the General Executive Board. He or she shall also be allowed a yearly Contingent Fund for extra expenses in such amount as may be determined by the General Executive Board, not to exceed the sum of \$3,000.00 per annum. At the meeting of the General Executive Board for each quarter, the General Secretary-Treasurer shall submit a report of his or her contingency expenses for approval. The amount of the expenses approved shall be recorded in the official proceedings of the General Executive Board meeting.



## GENERAL EXECUTIVE BOARD

**Sec. 62.** (a) The General Executive Board shall be composed of the General President, the General Secretary-Treasurer and the General Vice Presidents, who shall meet at least quarterly at the call of the General President. The General Secretary-Treasurer shall act as a Recording Secretary.

(b) The General Executive Board shall have governing authority over the International Union and its subordinate bodies when not in convention session to the end of upholding the laws and policies of the International Union as expressed in this Constitution. The General Executive Board shall have the power to supervise all business and financial affairs of the International Union and to authorize all expenditures deemed necessary to effectuate or accomplish the objectives of this International or for its benefit, and shall provide that the General Secretary-Treasurer and all International officers and employees handling funds of the international are appropriately bonded.

**Sec. 63.** In all matters requiring action by the General Executive Board, at any time when the General Executive Board is not in formal session, the General Executive Board may act by email, letter, or facsimile. Such action so taken by the members of the General Executive Board shall constitute action of the General Executive Board as though the General Executive Board was in formal session.

**Sec. 64.** All correspondence for the General Executive Board shall be acknowledged and prepared by the General Secretary-Treasurer for submission to the General Executive Board. Its decisions shall be submitted to the General Secretary-Treasurer, who shall notify parties interested.

**Sec. 65.** (a) The General Executive Board shall decide all points of law arising under the jurisdiction of the International Union and also all grievances and appeals, unless otherwise pro-

vided in this Constitution; their decisions shall be in force and effect unless reversed in accordance with the procedure set forth in this Constitution.

(b) In the event of the enactment of any federal or provincial law or valid regulation, or judicial or administrative agency decision, which is in conflict with or inconsistent with or contrary to any provisions of this Constitution and the General Executive Board is so advised by competent legal counsel, then the General Executive Board is authorized, upon advice of counsel, to make such change or clarification in or amendment to any provisions of this Constitution which is necessary in order to conform to the law, regulation or decision, but only to the extent necessary to obtain compliance with and conformity to such law, regulation or decision.

**Sec. 66.** (a) The General Executive Board is empowered to enter into Agreements, which, in its judgment, are in the best interests of the membership of our International Union. No ratification vote shall be required in the case of any agreement initiated and approved by the International Union, or to which the International is a party, that may require District Council signature and implementation. The General Executive Board may delegate its authority under this Section to the General President and/or one or more of its members under such terms and conditions as it deems appropriate.

**Sec. 67.** The General Executive Board shall have the authority to examine the books and accounts of District Councils, Local Unions and subordinate bodies and shall instruct financial secretaries in the proper method of keeping their books and preparing their monthly reports. The General Executive Board may deputize any member or officer to act for it in performing this function. Such examination may be made at the place most convenient to the General Executive Board or its deputy and, for that

purpose, the books and records may be taken into possession by the Board or its deputy, upon giving receipt therefore.

**Sec. 68.** The General Executive Board shall have the authority to order the immediate removal, pending investigation, of financial officers of subordinate bodies who are neglectful, inefficient or incompetent in the performance of their duties.

When the General Executive Board is not in formal session and prompt action is necessary, the General President is authorized to perform this duty with the right of appeal to the General Executive Board. Pending such appeal, the decision of the General President shall remain in full force and effect. When these functions are exercised by the General Executive Board or the General President, they shall be authorized to delegate the performance of these functions to a General Vice President. If, upon investigation, the General Executive Board is of the opinion that good cause exists for the permanent removal of such officer, he or she shall be presented with formal charges and accorded a hearing in accordance with the procedure provided for in the sections dealing with "Charges, Trials, Appeals and Disciplinary Action."

**Sec. 69.** The General Executive Board shall have plenary authority to adopt benefit plans and allowances for officers and employees of the IUPAT, provided that such benefits and allowances are at least equal to any benefit or allowance specifically provided for in the Constitution.

**Sec. 70.** (a) The General Executive Board may, in its sole and complete discretion, direct or authorize the issuance of charters for the establishment of subordinate bodies when it deems such action to be in the best interest of the International Union; and no charter shall be issued in the jurisdiction of this International Union in the absence of such direction or authorization by the General Executive Board.

(b) The General Executive Board shall have authority to designate or amend the territorial jurisdiction of District Councils, Local Unions and other subordinate bodies.

(c) The General Executive Board shall have authority, between Conventions, to establish new units, divisions or classifications of membership and, in its discretion, establish appropriate per capita amounts applicable to members in such units, divisions or classifications. The General Executive Board shall also have the authority to approve exceptions to the rules set forth in Sections 93 and 94.

(d) The General Executive Board shall have authority, with the agreement of a District Council Business Manager/Secretary-Treasurer, to limit the number of elected Business Representatives in any District Council. Such action shall be taken only after taking into account the financial resources of the District Council, the ability of the District Council to support elected Business Representatives either Council-wide or in specific Local Unions or crafts that may have designated Business Representatives elected from their ranks, the recent growth or contraction of District Council membership as a whole or within specific Local Unions or crafts, and the overall effectiveness of the current structure of the District Council in achieving the goals and furthering the policies of the International Union. Should the Business Manager/Secretary-Treasurer not agree, the General Executive Board may nonetheless limit the number of elected Business Representatives in a particular District Council if it unanimously finds that such action is necessary in order for the District Council to effectively represent all its members in collective bargaining and contract administration, to effectively organize and to effectively accomplish the goals of this International.

**Sec. 71.** The orders and decisions of the General Executive

Board between Conventions are supreme. Officers of subordinate bodies must obey them and faithfully carry them out; any action by an officer of a subordinate body contrary to such decisions and orders, whether such contrary action consists in the making of a motion, the entertaining of such motion or aiding and abetting in the making or entertaining of such motion, shall constitute a violation of this section. The General Executive Board shall be authorized to suspend, immediately, such offending officer of such subordinate body; following such suspension the offending officer shall be accorded a hearing as provided for in the sections dealing with “Charges, Trials, Appeals and Disciplinary Action” and, if found guilty, shall be disciplined as therein provided.

### **Vacancies—General Officers**

**Sec. 72.** When, through any cause other than by the operation of Section 40(c), a vacancy occurs among the General Officers, the General Executive Board shall, as soon as practicable but not more than 90 days from the time the vacancy occurs, appoint a member qualified to serve as a General Officer, to fill such vacancy pending the next General Convention.

### **Litigation**

**Sec. 73.** The International Union is authorized to pay all the expenses for investigating services, employment of all counsel and other necessary expenditures in any cause, matter, case or cases where a General Officer or International Union representative, employee, or agent is charged with any violation or violations of any law or is sued in any civil action or actions (1) if a majority of the General Executive Board in its sole discretion determines that said charges or law suits are (a) unfounded, (b) are politically motivated, or (c) were filed in bad faith in an attempt to embarrass or destroy the Union or the Union officers or rep-

representative, or (2) if a majority of the General Executive Board in its sole discretion determines for any other reason that the expenditures should be made in the best interests of the Union and its membership.

## **SALARIES AND EXPENSES**

**Sec. 74.** (a) General Officers shall be paid a \$100.00 per diem allowance, reimbursement for actual cost of reasonable hotel room when out of town overnight, postage and communication expenses, and reimbursement for reasonable transportation expenses or car mileage at the rate of thirty cents (\$0.30) per mile; provided that in lieu of car mileage the General Executive Board may authorize the purchase or rental of an automobile for the use of each General Officer and the payment of all reasonable expenses incurred in the normal operation of such automobile.

(b) All expenses shall be itemized upon the official forms supplied by the General Secretary-Treasurer, and shall be confined to the items appearing thereon. For any expenditure not covered by such items receipts must be submitted to the General Secretary-Treasurer along with the official form. Such expenditures will be considered for reimbursement in accordance with policies established by the General Executive Board.

(c) All salaries set forth in Sections 49, 53, and 61 of the General Constitution shall be automatically increased each year by a percentage equal to the percent increase in the cost of living during each preceding calendar year, as determined by the CPI-U issued by the U.S. Bureau of Labor Statistics. As soon as possible after the issuance of the applicable CPI-U, the auditing committee shall certify to the General Secretary-Treasurer the amount of salary increase to be implemented in accordance with the foregoing formula. The salary increase shall be effective, each year upon certification of the percentage rate by the auditing

committee and paid retroactive to January 1st of each year. The General Executive Board is authorized to eliminate or defer any cost-of-living adjustment that would otherwise be payable under this subsection when in its judgment such action is needed to assure the financial stability of the International Union.

## **SUPPLIES**

**Sec. 75.** (a) All Constitutions, cards, emblems, buttons, books, forms and other supplies shall be furnished by the General Secretary-Treasurer, per order of the Business Manager/Secretary-Treasurer of a District Council or the Financial Secretary of any Local Union in good standing, at the prices quoted in the official price list.

## **THE PAINTERS AND ALLIED TRADES JOURNAL**

**Sec. 76.** The General Secretary-Treasurer, with the approval of the General Executive Board, shall secure by negotiation the most advantageous contract(s) available for the printing of the "Painters and Allied Trades Journal" and all standard forms, books and printed matter utilized by the International Union.

**Sec. 77.** The General Secretary-Treasurer shall mail the "Painters and Allied Trades Journal" only to those members who have a correct mailing address on file with the International Union. These addresses shall be furnished by the Local Union Financial Secretary or by the member to the General Secretary-Treasurer and to the Business Manager/Secretary Treasurer of the District Council.

**Sec. 78.** The General Secretary-Treasurer shall publish in the "Painters and Allied Trades Journal" the following:

(a) A statement of the financial activities of the International, including the total monies received and expended by him or her during the reporting period.

(b) The report of the Auditing Committee and the independent certified public accountant as required by Section 24(b);

(c) Any decision, resolution or notice that the General Executive Board, in its discretion, designates for publication in the Journal;

(d) Any decision, resolution or notice that the General President, in his or her discretion, designates for publication in the Journal;

(e) Proposed amendments to the General Constitution if received timely and in conformity with the provisions set forth in Section 80;

(f) Proposed amendments to the General Constitution submitted in accordance with the provisions set forth in Section 81;

(g) All other articles, notices or communications as may be authorized by the General President or the General Executive Board.

**Sec. 79.** The Painters and Allied Trades Journal may contain advertising, as approved by the General President.

## **PROVISIONS FOR THE AMENDMENT OF THE CONSTITUTION**

**Sec. 80.** This Constitution may be amended at the regular session of the General Convention by a majority vote of the delegates present. Amendments adopted shall become effective the following January 1st, unless otherwise designated. If a District Council or a Local Union wants to propose an amendment to the General Convention, the District Council Delegates or the Local Union membership, as the case may be, must vote on the proposal at a regular or special meeting. At least 15 days prior to the meeting, notice containing the text of the proposed amendment(s) shall be given to the District Council Delegates or the membership. All amendments approved for submission shall be



in writing, shall bear the signature of the proper officers of the District Council or the Local Union submitting same, shall be mailed to the General Secretary-Treasurer postmarked at least 45 days before the convening of the General Convention, and if received timely shall be published in the official Journal preceding the General Convention; provided, however, that the General Executive Board may present amendments for adoption by the General Convention at any time when the General Convention is in session.

**Sec. 81.** Should the General Executive Board deem a law necessary to govern the International Union in a matter not provided for in this Constitution, or that an existing law should be amended, they may recommend the insertion of a new section or amendment to be voted on by referendum, provided the proposed change is endorsed by ten percent (10%) of the International's Local Unions representing at least five (5) different states or provinces and each of the different geographic regions established pursuant to Section 40(b). Should a majority of the members voting support the amendment it shall become law.

**Sec. 82.** (a) Any action to be taken by a Local Union to endorse an amendment under Section 81 must be by membership vote in a special meeting upon specific notice of the matter to be voted on. Any such action must be communicated to the General Secretary-Treasurer by each respective Local Union taking such action by means of a letter bearing the signatures of the Recording Secretary and one other officer specified in Section 185 and bearing the stamped or metal impression seal of the Local Union.

(b) Local Union endorsements under Section 81 must be on file with the General Secretary-Treasurer within six (6) months from the date the proposal is first published in the official Journal.

(c) All voting returns must be submitted to the General Sec-

retary-Treasurer within 60 days following submission of the proposal to a referendum vote.

(d) Amendments shall be submitted to a referendum vote by the General Secretary-Treasurer only in January and July of any given calendar year.

**Sec. 83.** (a) Any referendum under Section 81 must be voted upon in the following manner and no other method can be substituted for same.

(b) The vote must be conducted by each separate Local Union at a separate meeting of the Local Union and among the members of each separate Local Union. The vote shall be by secret ballot and shall be held at a special meeting of the Local Union. The Financial Secretary of the Local Union is required to send out special notices to each member of the Local Union, advising the member of the day, time and place where the special meeting will be held and that such meeting is being called for the purpose of voting on a question submitted to a referendum. A vote conducted by a combination of Local Unions or groups or in any other manner than above specified, shall be null and void, and all of the votes cast by such groups or combinations of Local Unions shall be thrown out and not counted.

### **Merger, Joinder, Affiliation, Consolidation, Amalgamation and/or Restructuring with another Labor Organization**

**Sec. 84.** Notwithstanding the provisions set forth in Sections 80-83, or any other provision set forth in this Constitution, this Constitution, may be amended for the purpose of approving and/or implementing an agreement by and between the International Union and another labor organization(s), which agreement provides for the merger, joinder, affiliation, consolidation, amalgamation and/or restructuring of such labor organizations under a

new or amended Constitution, by means of the following procedure:

(a) The proposed agreement must be set forth in writing and be approved by the General President; and

(b) The General President must submit a written report to the General Executive Board stating his or her reasons in support of the proposed agreement. Upon such submission, the General Executive Board shall consider the proposed agreement and approve, or disapprove, the agreement. A vote to approve the proposed agreement must be carried by a majority vote of the members of the General Executive Board; and

(c) Upon approval by the General Executive Board, the proposed agreement shall be submitted to a specially commissioned Membership Advisory Board. The Membership Advisory Board shall be comprised of (1) the active, full-time principal officer of each District Council in the International; and

(2) the full-time Business Manager (or other principal officer) of each Local Union that is not affiliated with a District Council. Each member of the Membership Advisory Board shall have one (1) vote. A vote to approve the proposed agreement must be carried by a majority vote of the members of the Membership Advisory Board.

(d) In the event an agreement by and between the International Union and another labor organization involving merger, joinder, affiliation, consolidation, amalgamation and/or restructuring or combining of such labor organizations under a new or amended Constitution is approved in accordance with the procedures set forth in Subsections (a), (b) and (c) above, the agreement shall be construed as adopted and binding on the International Union, its subordinate bodies and members. In such event, the General Constitution shall be construed as amended, altered or modified so as to conform to the requirements set forth in such agreement

and a General or Special Convention of the International Union, or other special processes for amendment of the General Constitution shall not be required in order to give effect to such agreement or the amendments to the General Constitution that may necessarily result from the implementation or approval of such agreement.

(e) The provisions set forth in Subsections (a)-(d) above shall apply only in circumstances in which, in order to approve or implement a proposed merger, joinder, affiliation, consolidation, amalgamation and/or restructuring or combining of such labor organizations, the General Constitution of the International Union must be amended. Nothing contained in this Section shall be construed, in any manner, as a limitation or prohibition on the existing powers of the General Executive Board and/or the General President to approve agreements by and between the International Union and other labor organizations where such agreements do not require the amendment or revision of the General Constitution, including agreements in which the International Union absorbs or admits the membership of another organization under the terms of this Constitution.

## **MEMBERSHIP**

### **Admission to Membership**

**Sec. 85.** (a) An applicant for membership in this International Union (including apprentices) shall be admitted into membership upon signing an official application blank and paying such amounts as may be required by provisions in this Constitution and the approved bylaws. A member/candidate shall have no more than forty-five (45) days (thirty (30) days for industrial members) from the date of signing the application blank to make full payment of the appropriate fees and be formally initiated, unless excused from this provision by application of other provisions in this Constitution.

(b) If complete and full payment of the appropriate fees is not made as provided in Section 85(a), or if it is discovered that the applicant has made false statements or is unable to qualify as a member, the membership shall be revoked and the paid fees forfeited.

(c) Until the appropriate fees are paid in full and the member is formally initiated, the member shall not be entitled to vote for any office or position nor to run for or hold any office or position in the International Union. Such member shall have all other rights and privileges and be amenable to all the laws and obligations of this International Union.

(d) Starting with the month of admittance, the member shall pay all dues and assessments (but the member shall be given credit for any advance dues payment paid pursuant to Section 93), and the Local Union shall pay per capita tax to the International Union. Where District Councils manage applications and collect Administrative Processing fees and dues from applicants while paying on applications, then such District Councils will pay the per capita tax on the applicants in accordance with procedures as established and made known by the General Secretary-Treasurer until such time as the applicant is assigned to a Local Union and initiated.

(e) All District Councils shall establish a new member orientation program. All new members of a District Council must attend a new member orientation class offered by the District Council. Such class should be offered periodically by the District Council and should include, but not be limited to presentation of the health insurance summary plan description, pension summary plan description, bylaws, collective bargaining agreements, membership education and information on union meetings and officers.

**Sec. 86.** (a) Any person to be admitted to regular membership

in one of the apprenticeable crafts of this International Union must have followed one of the branches of the trade for the period required under Section 95, and be competent to command the minimum rate of wages established by the District Council in which he or she applies for membership.

(b) Applicants working in an allied trade shall make application to the District Council or, when a District Council does not exist in the area, to a Local Union of that branch of the business in which they are employed. No member shall at any given time belong to more than one (1) Local Union of our International Union.

(c) No member who has been expelled from this International Union or any Local Union shall be eligible for membership in any Local Union, except upon the written permission of the General Executive Board.

(d) If any applicant should be admitted into membership although not eligible under this section, then such person is subject to expulsion following a hearing in which it is determined that such person was not eligible for membership at the time he or she obtained the same. Such hearing may be held as provided for in Sections 254-282, inclusive, of this Constitution.

### **Examining Boards**

**Sec. 87.** All new applicants for membership in any IUPAT District Council and or Local Union may be evaluated as to their crafts skills within 45 days of their application or clearance card being filed with the District Council or Local Union.

These skills evaluations will be provided by the recognized training entity affiliated with the District Council or Local Union. Those who demonstrate their skills shall be given either a journeyman or apprentice classification. The General Executive Board may correct any misclassification, either after appeal by an applicant or on its own motion.

Those failing or unwilling to demonstrate to the recognized training entity their skills, shall automatically be classified as an apprentice and will be subject to all rules and regulations of that training program.

**Sec. 88.** If the Administrative Processing Fee (APF) required by Sections 93 and 94 has been paid, the applicant may be formally initiated, following reasonable notice, at any meeting. If not present, the Recording Secretary shall give him or her reasonable notice and instruct him or her to appear at the next meeting. Should the applicant fail to appear for initiation at such meeting without giving good excuse, the APF shall be forfeited. Any person making a partial payment to apply upon his or her APF and failing to pay the balance due within forty-five (45) days (thirty (30) days for industrial members) shall forfeit the money paid.

### **Membership in Dual Organizations**

**Sec. 89.** No person shall be eligible to become or remain a member in this International Union who is a member of or lends support to or is associated with any dual labor organization or other organization which undertakes to exercise duties and functions similar to those exercised by this International Union or its subordinate bodies or which claims jurisdiction in whole or in part over matters which are within the jurisdiction of this International Union, provided, however, that the General Executive Board may waive the foregoing provisions in exceptional cases.

### **Transfer from Foreign Unions**

**Sec. 90.** (a) Members of unions of our trades, crafts or employee units from foreign countries, who carry cards showing them to have been at least five (5) years in continuous good standing, who have properly cleared out from such foreign unions and report within 90 days after entry into this country, may be initi-

ated in any Local Union of the International on payment of the APF, which shall be credited in the usual manner.

(b) An active propaganda in favor of naturalization shall be carried on by District Councils, Local Unions and members of said Unions shall be urged to become citizens.

### **Admission of Contractors or Employers**

**Sec. 91.** An employer is one who, in relation to any corporation, company, partnership, firm or other business entity, is a substantial owner, partner, officer, director, incorporator, managerial employee, supervisor (as defined by the NLRB or Provincial law) or in a permanent, policy-making position.

**Sec. 92.** (a) Employers shall be eligible for membership. Employer-members must comply with the trade rules and working conditions of the locality in which the work is performed must, insofar as is consistent with applicable federal and state, provincial and/or territorial laws, hire only members of this International Union, and must pay themselves and all their employees the wages and benefits established by the applicable area collective bargaining agreement.

(b) No employer shall be eligible or permitted to hold office, serve on an executive board, act as delegate, vote on any question pertaining to hours, wages, benefits or conditions of employment, vote at elections of officers, delegates, or attend meetings at which contract proposals are discussed or voted on or at which the nomination or election is held for any elected position.

### **Membership Fees and Dues**

**Sec. 93.** (a) Except as may be otherwise provided in Sections 94 and 99, membership fees and dues shall be as follows:

(1) Administrative Processing Fee: A District Council shall charge an Administrative Processing Fee (APF) to new members



other than industrial members (see Section 94) in the amount of one hundred dollars (\$100.00), with \$25.00 paid to the International Union to offset its administrative processing costs. Advance payment of regular dues may not be required. No other fees may be charged to an applicant.

(2) Regular Local Union Dues: All Local Unions shall have regular monthly dues equal to no less than the per capita tax payable to the International Union and any per capita tax or other amount owed monthly to the District Council and, except for unaffiliated Local Unions, no more than twice the per capita tax payable to the International Union, rounded up to the next even dollar amount. Minimum regular Local Union dues shall be automatically increased when the per capita tax is increased. The General Executive Board will give advance written notice to all Local Unions of the new minimum dues applicable. All regular Local Union dues shall be a flat monthly rate and shall not be expressed as a percentage of wages or a set amount per hour worked. The General Executive Board shall have the authority to approve exception to the maximum dues rate and the form of dues otherwise mandated by this section.

Assessments: District Councils or Local Unions may only assess members for special purposes; assessments shall not be used to raise funds for general purposes. Assessments must be approved by secret ballot vote of the members. One time assessments may only be imposed at a special meeting held for the purpose of voting on the proposed assessment. Notice of such special meeting must be given to all members in good standing 15 days in advance of the meeting and such notice must specifically state the question to be voted on. Recurring assessment must be provided for in the Bylaws.

(b) Dues of all members shall be charged in full for the month of application, or admission by transfer from foreign unions and,

in all instances, membership shall begin from the first day of that month.

(c) The APF shall be waived for any graduate of an IUPAT Job Corps program and for any veteran completing an IUPAT-approved pre-apprenticeship program established for veterans, and may be waived or reduced for any others on approval of the Business Manager/Secretary-Treasurer, with the concurrence of the General President.

(d) All District Councils (and Local Unions not fully affiliated with a District Council) shall adopt and implement an approved form of administrative dues check-off based on a percentage of wages earned.

(e) Whenever the International Union has an agreement with any other union whereby each agrees to honor the other union's transfers (clearance cards) the APF shall be waived for any member transferring to a Local Union from such other union, provided that the transferring member deposits evidence of his or her good standing in such other union with the Local Union. Failure to deposit such evidence within 30 days of initiation shall result in termination of transfer rights and shall require the member to pay an APF to retain membership.

### **Industrial Members**

**Sec. 94.** (a) Workers in factories, production shops and manufacturing concerns and other industrial units as designated by the General President shall be admitted as industrial members.

There shall be no initiation fees for industrial members unless approved by the General President. Industrial members shall be charged an APF in the amount of fifty dollars (\$50.00). Twenty dollars (\$20.00) thereof shall be forwarded to the International Union to offset its administrative processing costs. There shall be no advance dues payment required.

(b) Minimum Local Union dues for industrial members shall be established by the GEB. Minimum Local Union dues for industrial members shall be automatically increased when the per capita tax is increased. The General Executive Board will give advance written notice to all Local Unions of the new minimum dues applicable. No Local Union shall set dues for industrial members as a percentage of wages or charge dues above the maximum without the prior approval of the General Executive Board.

(c) For industrial non-members paying the Local Union agency fees, or other fees, equivalent to dues paid by members, the Local Union shall remit to the International Union a fee equivalent to the per capita. For industrial non-members paying the Local Union agency fees, service fees, or other fees that are less than dues paid by members, the Local Union shall remit to the International a fee equivalent to eighty percent (80%) of the per capita tax.

(d) Members of industrial Local Unions, industrial members in mixed Local Unions, or members of each bargaining unit within industrial Local Unions, who are less than 60 years of age, may participate in the International Union's Death Benefit Fund if they, as a group, vote to participate by secret ballot vote at a specially called meeting. Local Unions whose industrial members vote to participate in this manner must make the death benefit payments on such members as required by Section 17.

## **Apprentices**

**Sec. 95.** (a) Any person engaging to learn a trade encompassed within the jurisdiction of this International Union shall be required to serve a minimum apprenticeship as determined by the joint apprenticeship committee of the District Council or Local Union in the locality where he or she is employed applying area standards. The General Executive Board, however, shall

have authority to alter the length of time one must remain as an apprentice member if it determines that such action is in the best interest of the International Union and its overall training and apprenticeship programs.

(b) District Councils and Local Unions shall keep and maintain complete training and apprenticeship records in accordance with Section 55.

**Sec. 96.** (a) Apprentices upon his or her formal initiation shall be permitted to participate in all Union proceedings with the right to vote, but an apprentice shall not be eligible to be nominated, or elected to any office or position or as a delegate to any affiliated organization, central body or General Convention, unless otherwise permitted by provisions in this Constitution; provided, however, apprentices in their third year of an approved apprenticeship program who satisfy the requirements set forth in Section 29 or Section 210 may run for delegate to the General Convention or for Local Union office.

(b) The membership of any apprentice is contingent on his or her full compliance with the Constitution of the International Union, the District Council and Local Union Bylaws, and rules and regulations of the joint apprenticeship committee. The apprentice is subject to charges for violations and may be disciplined or have his or her membership revoked upon being found guilty.

**Sec. 97.** (a) When an apprentice completes his or her term of service and becomes a qualified journey-person, he or she shall become a regular member (subject to the provisions of this Constitution governing such members) and shall pay full dues and assessments. The General Secretary Treasurer shall be notified of such transfer.

(b) Members who have served their apprenticeship as defined by the provisions of the Constitution and under the juris-

diction of Local Unions and, consequently, were transferred to regular membership, shall not be required to pay any difference in administrative processing fee as per Section 93 of the Constitution.

(c) Wherever there is a duly constituted apprenticeship program an apprentice may not be transferred to regular membership before completion of his or her apprenticeship without the authorization of the duly constituted apprenticeship program.

**Sec. 98.** (a) Each District Council or Local Union shall negotiate agreements requiring an employer of three (3) or more journey-persons to employ at least one (1) apprentice unless local conditions dictate a lower ratio.

(b) Each District Council shall submit the governing documents and standards of each apprenticeship fund in which the District Council participates to the General Secretary-Treasurer.

### **Life Members**

**Sec. 99.** (a) Eligibility: The General Executive Board is authorized to establish eligibility criteria for one or more classes of Life membership.

(b) Procedures for Transfer: Eligible members desiring to transfer to Life Membership shall petition their Local Union for approval. When said approval is granted, the Financial Secretary shall forward the same to the office of the General Secretary-Treasurer.

(c) Determination of Eligibility: The Financial Secretary shall forward to the General Secretary-Treasurer an application for Life Membership, properly completed, and an affidavit setting forth facts to establish the member's age. The member's record as set forth at the General Office will be considered proof of eligibility for transfer. Any member or Local Union wishing to establish eligibility when transfer is denied, may submit abstract

of ledger accounts, or other supporting evidence for consideration and review by the General Secretary-Treasurer.

(d) The General Secretary-Treasurer shall issue to such members a certificate of Life Membership, Life Membership card and a pin appropriate for the occasion. The issuance of certificate, card and pin shall be without cost to the member or the Local Union in which he or she is a member.

(e) Rights, Privileges and Limitations:

1. Dues for Life Members shall be \$12.00 per month, provided that the General Executive Board may establish lower dues for certain classes of Life Members. Except as otherwise provided for in this Constitution, the General Executive Board is authorized to establish the rights and privileges of Life Members.

2. Life Members and LR Life Members shall not be entitled to run for or hold any office or position within the International Union, or to run for or hold a position as delegate to the General Convention.

3. Life Members and LR Life Members shall be amenable to all the laws of the International Union, including those relating to charges, trials and disciplinary actions.

4. The entitlement of Life Members and LR Life Members to International Union Benefits shall be governed by Sections 283-285 of the Constitution.

5. Neither a Life Member nor an LR Life Member shall be permitted to vote on questions of dues and assessments, if for any reason whatsoever, he or she is classed as exempt from payment thereof. He or she shall not be permitted to vote on ratification of collective bargaining agreements unless he or she is working at the trade and paying full dues.

6. Neither a Life Member nor an LR Life Member shall be entitled to Local Union Sick, Accident or Death Benefits, unless at the time of transfer, he or she exercises the option to participate

in such benefits; and, if he or she exercises such option, he or she shall pay continuously the required assessments.

7. Any “life member” who returns to work at the trade shall be classified to “Regular” status for the period starting with the quarter he/she returned to work. Such member may revert to life classification the quarter following his/her last day worked.

### **Gold Members**

**Sec. 100.** Those members who have remained in continuous or cumulative good standing for a period of fifty years and who have not transferred to Life Membership shall be known and referred to as “Gold Members.” The General Secretary-Treasurer shall identify such members from the International Union’s records and shall notify them, their District Council and Local Union, and the General Executive Board of their status. Gold Members shall receive from the International Union a suitable award in recognition of their many years of service.

### **Dispensated Members**

**Sec. 101.** Members, whose age or physical condition debars them from earning the current rate of wages, shall be permitted to work for less but must first obtain written permission from their District Council Business Manager/Secretary-Treasurer prior to doing so.

### **Privileges and Duties of Members**

**Sec. 102.** A member of the International Union in good standing may work as a journey-person at any of the branches of the trade, provided the member demands and receives the rate of wages, and otherwise conforms to the working rules of, that branch of the trade in which he or she wishes to be employed. If the member leaves the jurisdiction of his or her District Council,

he or she shall transfer his or her membership to a Local Union representing the trade in which he or she is engaged, provided that the member is qualified.

**Sec. 103.** (a) Any member in good standing may visit any Local Union, provided he or she can produce a clearance card or official dues receipt and is not in arrears in a sum equal to three (3) months' dues. The Warden shall examine the member's dues book and/or receipt and ascertain if he or she is entitled to a seat. A member so visiting shall not have voice or vote but may be allowed the privilege of the floor by a majority vote of the members present.

(b) If the Local Union has cause to believe that a visit by several or a group of members is for the purpose of disrupting or interfering with the business of that Local Union, or if such a visit has such an effect, it may curtail, deny, or set conditions for, the visit.

(c) At any Local Union meeting where nominations for District Council wide elections are to take place, a member of another Local Union affiliated with the same District Council may attend for the purpose of being nominated for District Council wide office.

**Sec. 104.** Subject to Sections 234-247 inclusive, and to applicable federal and state, provincial and/or territorial laws, a card fully paid up, regardless of where it is issued, shall entitle the holder to the right to work in any jurisdiction, provided he or she conforms to the working rules and conditions of the locality and that no strike or lockout exists in that locality.

**Sec. 105.** A member leaving the jurisdiction of the District Council or Local Union in which he or she is a member to work for his or her employer in the jurisdiction of another District Council or Local Union must demand and receive, in all cases, the shorter work day and the higher scale of either locality. Failing to do so, the member will be subject to charges.



**Sec. 106.** Members shall keep the Business Manager/Secretary-Treasurer of the District Council and the Financial Secretary of their Local Union notified of their correct addresses and shall attend all regular and special meetings as the Union may prescribe in its bylaws.

**Sec. 107.** Every member in a Local Union fully affiliated with a District Council authorizes the District Council to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer governing terms and conditions of employment and to act for the member and to have final authority in representing, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his or her employment with such employer in such manner as it deems within its discretion to be in the best interest of the District Council. The District Council officers, Business Representatives and agents may decline to process any grievance, complaint or dispute if, in their sole discretion and judgment, such grievance, complaint or dispute lacks merit. Every member in a Local Union that is not fully affiliated with a District Council authorizes the Local Union to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer governing terms and conditions of employment and to act for the member, with full authority and discretion, as described above in relation to District Council officers, representatives and agents.

**Sec. 108.** Each member in good standing shall receive each edition of the official Journal at his or her mailing address on file.

**Sec. 109.** Every member is obligated to adhere to and follow the terms of the bylaws of the District Council, the bylaws of their Local Union and the provisions of the General Constitution with respect to their rights, duties, privileges and immunities.

Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

**Sec. 110.** No member shall interfere with the elected officers or authorized representatives of the International Union, its District Councils or Local Unions in the performance of their duties and each member shall, when requested, render such assistance and support in the performance of such duties as may be required of them, provided this does not interfere with the individual's right as a member. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from conduct that would interfere with the performance by the International Union, District Council or Local Union of its legal, contractual and constitutional obligations.

**Sec. 111.** No member shall perform work performed by signatory employers, either as a subcontractor, independent contractor or as an employer, without becoming a party to the collective bargaining agreement.

**Sec. 112.** Each member shall faithfully support and assist, in accordance with rules established by a District Council or Local Union, in obligatory picketing and/or organizing campaigns as may be deemed necessary by the District Council (or in the case of a Local Union not fully affiliated with a District Council), a Local Union leadership.

**Sec. 113.** Each member shall be informed of the International Union's policy to encourage participation by the membership in all local, state, provincial and national elections and involvement by workers in political affairs and issues within their communities. Although adherence to this policy shall not be a condition of membership in the International Union, members will be encouraged to adopt and promote this policy and to support the implementation of programs designed to communicate to members, their families and workers in the community the importance of

registering to vote and voting in all local, state, provincial and national elections.

**Sec. 114.** All members shall be encouraged to make an effort to pay regular dues on an annual basis so as to avoid the potential of membership suspension due to failure to pay dues on a timely basis. All District Councils and/or Local Unions shall establish procedures or programs that permit members to pay regular dues on an annual basis.

**Sec. 115.** A member who leaves the trade to enter another occupation may remain a member, but the member shall not be eligible to hold office or any delegate position, nor shall he or she be permitted to debate the question of wages or hours of work or any other question that affects the working rules of the locality.

**Sec. 116.** No member who has received a certification in any aspect of a trade that was made possible in whole or part through training supplied by an apprenticeship and training fund affiliated with any IUPAT affiliate may train others except as an approved instructor for an IUPAT affiliated apprenticeship and training program. Any member violating this section shall be subject to discipline up to and including expulsion from membership.

### **Automatic Suspension of Members for Failure to Pay Dues**

**Sec. 117.** (a) No member shall be charged any interest or penalty for late payment of dues except as specifically authorized by this constitution.

(b) Any member indebted for three (3) months' dues or an amount equal to three (3) months' dues shall stand suspended, neither a vote of the Local Union nor a hearing being required to suspend the member. Dues shall include regular, administrative, and working dues.

(c) The failure of the Financial Secretary to report a suspen-

sion or collect a reinstatement fee or his or her action in accepting delinquent dues shall not constitute a waiver of default, provided that the General Executive Board may restore the membership rights of any member if it concludes that he or she has been unfairly prejudiced by application of this rule.

(d) If the General Secretary-Treasurer finds, from an examination of the reports, daybook sheets or dues records of a member, that he or she became suspended, the General Secretary-Treasurer shall call the same to the attention of the Local Union, and it shall be required to reinstate such member by requiring the member to retroactively pay the required reinstatement fee as set forth above.

**Sec. 118.** (a) A suspended member, failing to become reinstated within three (3) months from the date of his or her suspension, shall be dropped from the roll; to again become a member of the International Union he or she must pay the full fee(s) applicable to new member/candidates of the Union to which he or she makes application.

(b) The dropped member shall also pay to the Local Union that suspended him or her all dues, assessments, fines and other indebtedness he or she owed said Local Union at time of suspension. This shall be paid regardless of any dispensation made in the Administrative Processing Fee of the District Council/Local Union initiating him or her. Payment of back dues and assessments may be waived at the sole discretion of the Business Manager/Secretary-Treasurer of the District Council.

### **Reinstatement of Suspended Members**

**Sec. 119.** At any time within three (3) months after the date of suspension a suspended member may be reinstated on payment of back dues and arrearages, including dues for the current month, and a \$50.00 reinstatement fee, \$25.00 of which will be

retained by the Local Union and \$25.00 to be sent to the office of the General Secretary-Treasurer.

### **Quarterly Working Cards**

**Sec. 120.** For the purpose of identifying members in good standing, the working card system shall be enforced in every locality where practicable. District Councils and Local Unions shall use the IUPAT official membership card or an alternative approved by the General Secretary-Treasurer.

### **Resignation**

**Sec. 121.** Any member may sever his or her connections with the International Union by written resignation addressed to his or her Local Union. If at the time of resignation the member owed dues, assessments, fines or other indebtedness, the indebtedness shall remain a legal obligation of the former member collectible in a court of law, together with attorney's fees and other costs of collection, by the appropriate District Council or Local Union. To again become a member of the International Union, a member who had resigned must pay all amounts required of a new member/candidate, and must also pay to the appropriate District Council or Local Union all dues, assessments, fines or other indebtedness owed to that District Council or Local Union at the time of resignation and not yet paid or collected. A member who resigns shall not thereafter be entitled to any International Union benefits.

# **DISTRICT COUNCILS**



## **District Councils**

### **Formation of Councils**

**Sec. 122.** District Councils shall be formed by a charter issued by the General Executive Board. The craft and territorial jurisdiction of each District Council shall be determined by the General Executive Board.

### **Objects**

**Sec. 123.** The objects of District Councils shall be to further the objects of the International Union set forth in this Constitution and to support and further the policies and programs adopted by the General Executive Board.

### **Powers and Duties**

**Sec. 124.** (a) Each District Council shall have legislative and executive power in all matters relating to the common interest and welfare of its members.

(b) District Councils shall be authorized to act as the exclusive bargaining representative of their members and any other employees represented by the District Council or any affiliated Local Union. District Councils shall be authorized to establish rates of wages and uniform dues for all Local Unions of the same character within their jurisdiction. They shall have power, subject to a ratification vote of the members working thereunder to negotiate collective bargaining agreements establishing wages, benefits and working conditions and to enforce the same; collect all fines duly imposed; issue a quarterly working card; order strikes and decide all disputes between Local Unions or members, subject to appeal to the General Executive Board. However, this section shall not deprive any other officer or body of jurisdiction to decide any such matters in dispute when the Constitution vests any jurisdiction over such matters in other officers or bodies.



(c) They shall have power to make agreements with kindred bodies or central organizations in the district that are not antagonistic to the International Union, and to send delegates to the same when necessary.

(d) They shall have the power to inspect the books and records of affiliated Local Unions and investigate complaints by members. For good cause, and with the approval of the General President, they may audit the financial or other records of an affiliated Local Union or of any Trust Fund (other than a Trust Fund administered or established by the International) affiliated with a Local Union. In the event the District Council determines that a Local Union or its officer(s) has not complied with provisions in this Constitution, the Business Manager/ Secretary-Treasurer shall promptly file a detailed report with the General President.

## **Bylaws**

**Sec. 125.** (a) Each District Council shall frame its own bylaws, which shall in no way conflict with this Constitution. All District Council Bylaws shall conform to the Model Bylaws for District Councils published by the General Executive Board. All Bylaws shall be submitted for approval to the General Executive Board in a manner and on a template established by the General Secretary-Treasurer. The General Executive Board may approve as written, or it may require corrections that are in its discretion needed to avoid conflict with this Constitution or with law. Upon approval, or approval as corrected, by the General Executive Board, a copy of the Bylaws shall be returned to the District Council and a copy shall be retained by the General Secretary-Treasurer. Bylaws or changes thereto, shall not be implemented, printed or enforced prior to approval by the General Executive Board.

(b) Each District Council shall have a Bylaws Committee as a

standing committee. All proposed changes in the bylaws must be submitted for approval to the Bylaws Committee and thereafter to the Council delegates. Once approved by the Bylaws Committee and the Council delegates, as proposed or as amended or modified by the approving body, such proposed changes must be submitted by the District Council for referendum vote among its members. The referendum vote shall be conducted in accordance with the procedure specified in sub section (c).

(c) Notice shall be given by mail to the membership of the District Council at least 15 days prior to the meeting(s) at which the members will consider and vote on the question. The notice must specifically state the question to be voted on, including the precise amount or rate of any change in dues, fees, or assessments, and must include a copy of any proposed Bylaw amendment. Such meeting may be regular or special. Voting shall be by secret ballot, and a majority vote of the members in good standing present and voting at such meetings shall decide the issue.

(d) All District Councils shall revise their bylaws no later than June 1st of the year following a General Convention to bring their bylaws into conformity with the action of the General Convention.

(e) Bylaws, or changes in bylaws adopted pursuant to subsection (b), shall be submitted for approval to the General Executive Board, and shall not be effective until so approved. The General Executive Board shall approve or disapprove submitted bylaws within six (6) months from the date of submission; if no action is taken within six (6) month period, the bylaws shall be considered approved; provided that the General Executive Board may disapprove bylaws of a District Council, in whole or in part, when such bylaws are deemed by the General Executive Board to be in conflict or inconsistent with the rules or policies of the International Union.

(f) All District Council bylaws shall contain the following provision:

In recognition of the fact that each District Council's strength in negotiations comes in large measure by its ability to supply highly skilled, responsible workers to employers, it shall be the duty of all members to render a fair days work in a professional manner. Any member, who is terminated for cause, three times within a twenty-four month period, from a position under a District Council collective bargaining agreement, shall be subject to charges. Unless the Trial Board finds exceptional circumstances, the penalty shall be expulsion from membership.

In cases where the termination resulted strictly from lack of skills, the Trial Board may require the member to attend journey-person upgrade training classes in lieu of expulsion. For members whose termination was a result of falling in the category of dispensated member as defined by Section 101 of the IUPAT Constitution, the Trial Board may recommend that Section 101 be implemented in lieu of expulsion.

(g) The Bylaws of each District Council shall provide for a separate organizing fund.

(h) The Bylaws of each District Council shall provide that a portion of dues check off shall be placed in the Organizing fund.

(i) The Bylaws of each District Council shall provide that the Business Manager/Secretary-Treasurer shall determine how the monies in the Organizing Fund shall be used.

### **Affiliation by Local Unions**

**Sec. 126.** (a) All Local Unions within the jurisdiction of a District Council are automatically fully affiliated with and subordinate to the District Council, provided that the General President may, in his or her discretion, exempt a Local Union from this requirement.

(b) District Councils must admit as a full affiliate any Local Union within their territorial jurisdiction.

(c) Fully affiliated means:

- (i) that members of each Local Union pay administrative dues to the District Council through a check-off from wages,
- (ii) that members of each Local union enjoy full voting rights as members of the District Council;
- (iii) that the District Council serves as the exclusive bargaining representative for all its members;
- (iv) that the District Council holds and enforces all collective bargaining agreements covering all its members; and
- (v) that the District Council has the power to appoint and remove the labor trustees for any trust funds in which the District Council or any affiliated Local Union participates, and that should the governing documents of trust fund in which a fully affiliated Local Union participates require the Local Union or any of its officers to take action to appoint or remove a trustee, the Local Union officer(s) shall obey any directive given by the District Council Business Manager/Secretary-Treasurer.
- (vi) that all craft jurisdiction belongs to, and shall be protected by, the District Council.

(d) No District Council may suspend or expel a Local Union without the consent of the General Executive Board.

(e) When a Local Union is assessed by a District Council and said assessment is considered unjust or illegal and an appeal is made, the Local Union shall pay the disputed assessment pending the decision of the General Executive Board.

(f) Where a local, State or Provincial council or subordinate body of the AFL-CIO, or the Building Trades Department

of the AFL-CIO exists or is organized, the District Council, not the affiliated Local Unions, shall affiliate. The District Council representatives shall be appointed by the Business Manager/Secretary-Treasurer from among its delegates.

### **Meetings**

**Sec. 127.** (a) The General Executive Board shall be empowered to revoke the charter of, or otherwise discipline, any District Council, which fails to hold regular meetings of its delegates. What constitutes “regular meetings” shall be determined by the General Executive Board based on the circumstances of each case.

(b) During any and all regular and special meetings of a District Council the flag of the country in which the body is chartered shall be displayed in such position as will be faced by the assemblage.

(c) The Business Manager/Secretary-Treasurer of a District Council shall have the authority to use, at his/her discretion, electronic conferencing as a means to conduct the meetings of the District Council.

### **Quorum**

**Sec. 128.** A quorum for the transaction of business shall consist of one-third of the delegates.

### **Funds and Property of District Councils**

**Sec. 129.** (a) District Councils shall not incorporate or otherwise assume a legal status other than that provided by this Constitution. District Council funds, assets or property derived from any source shall be held in the name of the District Council and shall not be transferred or conveyed to any other person, body, committee, entity or organization, whether incorporated or un-

incorporated, except as otherwise permitted in this Constitution; provided, however, subject to the provisions set forth in this Section, District Councils may establish, where local law requires same, a Declaration of Trust or Corporate Entity to hold title to real estate for the benefit of the District Council.

(b) In instances where a trust or corporate entity is established to hold title to real estate for the benefit of the District Council, the District Council shall be the actual and beneficial owner of all shares or interest in the trust or corporate entity. The trust or corporate entity shall be construed as being subject to this Constitution and to the laws, rules and regulations of the International Union, and all officers or trustees of such entity shall be, if not otherwise appointed to office or position pursuant to District Council Bylaws, subject to election in accord with the provisions of this Constitution that refer to the election of District Council officers. A District Council that seeks to establish a trust or corporate entity to hold title to real property must obtain approval by the General Executive Board prior to establishment of such trust or entity, as well as General Executive Board approval of the trust or entity bylaws and operational documents. In circumstances where a District Council has established a trust or corporate entity to hold title to real property without the approval of the General Executive Board, immediately upon discovery by any District Council officer, the District Council shall, revise its trust and/or corporate documents to comply with this provision and submit its operational documents and bylaws for General Executive Board approval.

(c) The funds and property of a District Council shall be used for such purposes only as are specified in this Constitution and the District Council's bylaws and as may be required to transact its business. No member shall possess any right, title or interest (actual or beneficial) in the funds, property, assets, entitlements or expectancies of a District Council.

(d) On no consideration shall money from the District Council Treasury be loaned or donated to members (strike, lockout and regularly established sick benefits excepted). This shall not prohibit a District Council from levying an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of injuries or sickness incurred while working at the trade; provided, however, that before any such assessment is levied (i) all members shall be notified by mail that the proposed assessment will be considered at the next meeting and, (ii) the majority of members present and voting, approve the assessment in a secret ballot vote.

(e) No funds of a District Council or any other subordinate body of this International Union shall be used to pay the legal expenses and costs incurred by any member or members involved in any litigation or administrative or legal proceeding in which the International Union or any subordinate body thereof is an adverse party, except upon a two-thirds vote of the membership present and voting at a special meeting called to discuss and decide the issue.

**Sec. 130.** (a) The funds or property of a District Council shall not be divided among its affiliated Local Unions or the members individually, but shall remain the funds and property of the District Council for its legitimate purposes while chartered; provided, however, that in the case of a merger of a District Council, the Charter of the District Council merged shall be surrendered to the General Secretary-Treasurer and the funds and property of that District Council shall be transferred to the surviving District Council. When the Charter of a District Council is revoked, the District Council or its officers shall forthwith turn over all books, documents, property and funds to the General President or his representative; in such event, the books, documents, property and funds shall be held in trust by the International Union until

such time as the District Council may be reinstated or reorganized. If it is not reinstated or reorganized within two (2) years, then such books, documents, property and funds shall revert to the International Union.

(b) A District Council may disaffiliate from the International if two-thirds of all members in good standing (not only those attending) vote in favor of disaffiliation. Such vote shall be conducted at special meetings of each affiliated Local Union called upon 30 days notice to the members and to the General Secretary-Treasurer that disaffiliation will be considered at the meeting. A District Council shall not be dissolved, except by action of the General Executive Board taken in compliance with this Constitution, as long as two Local Unions are affiliated with it. Whenever a District Council secedes or dissolves, or its charter is suspended, forfeited, or revoked, and demand is made upon such organization, its officers shall deliver to the General President the records, property and funds of such organization. If such demand is refused, all expenses incurred by the International Union in recovering such records, property and funds shall be payable to the International Union from the property and funds recovered.

(c) The International Union and its other subordinate bodies shall not be liable for any debts or obligations of any District Council by virtue of the transfer or reversion to them of any funds or property of such District Council pursuant to this section; and if a court of competent jurisdiction should rule otherwise, the liability shall be strictly limited to the funds and property owned by such District Council at the time of the transfer or reversion.

### **Deposit of Funds**

**Sec. 131.** No District Council or other subordinate body shall place its funds in any bank or depository in the name of any individuals, or in the name of any other entity; all monies must be



deposited in the name of the District Council to be drawn at the order of the District Council by the proper officers.

## **Finances**

**Sec. 132.** (a) It shall be the continuing responsibility of each District Council to assure that it is in sound financial condition. At least once a year, the District Council Delegates shall meet to review the Council's finances and the sufficiency of its revenue, and determine whether a per capita tax, working dues and/or percentage dues check-off increase is needed to enable it to properly carry out its duties, obligations and programs. Thereafter, the District Council shall report its findings to the membership. If needed, the Delegates shall propose a per capita, working dues and/or percentage dues increase through referendum vote as set forth in Section 125.

(b) Prior to the review required by subsection (a), the Trustees shall review the investments of the District Council and submit a report on the same to the Executive Board, which together with the Trustees shall recommend an investment policy to the delegates, who shall adopt a binding investment policy for the following year. In developing the investment policy, the Trustees and delegates shall consider the topics contained in the Model Investment Policy promulgated by the General Executive Board.

(c) All district councils shall have an annual audit performed by an Independent Certified or Chartered Public Accountant, and it shall instruct the auditor to state whether his or her opinion is modified or qualified in any respect. The annual audit shall be reviewed by the District Council Trustees in accordance with Section 144. The audit shall be completed no later than four (4) months after the close of the district council's fiscal year. A copy of such audit, when completed, shall be forwarded to the General Secretary-Treasurer's office.

(d) Whenever there is a change in the principal financial officer of a District Council (the Business Manager/Secretary-Treasurer), an auditor appointed by the General President shall review the records of the District Council and, at the General President's discretion, any affiliated local unions, to determine whether all Constitutional, financial and reporting practices are adequate and in order. The auditor may, in his discretion, perform a complete audit or such procedures as in his judgment are sufficient to determine whether the Constitutional, financial and reporting practices of the District Council are adequate and in order. At the conclusion of his review, the auditor shall submit to the General President and the District Council Business Manager/Secretary-Treasurer, a written report stating his findings, and any recommendations for modification of the District Council's and/or Local Unions' financial and reporting practices.

**Sec. 133.** The revenue of District Councils shall be derived as provided for in the District Council Bylaws.

**Sec. 134.** (a) All District Council expenditures must be authorized by this Constitution, the District Council Bylaws or action of the Council Delegates.

(b) District Councils shall fix salaries and other compensation for officers in accordance with these rules:

(1) Salaries and benefits for all officers and elected Business Representatives shall be established in the District Council Bylaws;

(2) A change in salaries must be accomplished by amendment of the bylaws in accordance with this Constitution, provided that the delegates, with the approval of the General Executive Board, may reduce salaries temporarily during a period of high unemployment among the membership;

(3) The bylaws shall clearly provide the amount of vacation, sick leave, per diem and other benefits to be received by officers,

and shall provide that salaries of officers shall not be increased by payment of overtime or payment for accrued but unused vacation or sick leave;

(4) The terms of office and salary provisions of this Constitution and District Council Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of District Councils, removal of officers by appropriate proceedings, by imposition of Trusteeship, and by such other process as is provided for in this Constitution; and this provision shall constitute due notice of its terms under any applicable law requiring such notice.

**Sec. 135.** (a) All checks or orders on the bank issued by District Councils must be signed by any two of the following: (1) the President, (2) Business Manager/Secretary-Treasurer or (3) one of the Trustees.

(b) For checks or orders on the bank that are issued electronically on behalf of the District Council, such as payroll direct deposit, a report or register listing all such payments must be signed by two of the three individuals listed in Section 135(a) with a written statement attached that the signatories have reviewed and approved all payments in the listing. All electronic payments described herein must be reported the same as any payments in Section 135(a).

**Sec. 136.** No District Council or other subordinate body shall circulate any appeal or circular asking for financial aid unless such appeal is approved by the General Executive Board, attested by the General Secretary-Treasurer. Any District Council receiving such financial assistance must forward to the General Secretary-Treasurer an itemized account of receipts and expenditures.

**Sec. 137.** No District Council or other subordinate body shall levy assessments on its members to aid other trades in any case without the consent of the General Executive Board.

## **Reports to General Secretary-Treasurer**

**Sec. 138.** District Councils shall file all required reports, including where applicable LM reports and Internal Revenue Service reports, with the appropriate government agency.

## **Audits of Delinquent District Councils**

**Sec. 139.** (a) Any District Council that becomes two (2) months in arrears in payment of per capita taxes and fees, or two (2) months in arrears in furnishing monthly reports to the office of the General Secretary-Treasurer, shall at the end of said two-month period of arrearages be promptly notified by the office of the General Secretary-Treasurer.

(b) The General Secretary-Treasurer may cause to have performed by his or her designee an audit of any District Council which has become delinquent two (2) months or longer in the payment of any monetary obligation due and owing to the International Union. The General Secretary-Treasurer may ascertain the reasons for such delinquency and the extent of the District Council's financial ability to pay the obligations.

(c) Should the General Secretary-Treasurer determine that the District Council does not have the ability to pay its obligations, he or she shall, in writing, order payment arrangements to satisfy the obligation.

(d) Should the General Secretary-Treasurer determine that the District Council can pay the obligations; he or she shall, in writing, order immediate payment.

(e) Failure to comply with the General Secretary-Treasurer's orders may result in trusteeship proceedings and/or charges being filed and officers of the District Council being removed from office in accordance with provisions of the General Constitution.

(f) Unless an exception is granted by the General Executive Board, each District Council or Local Union shall submit to the

General Secretary-Treasurer's office, on an annual basis, a report detailing the total hours worked under collective bargaining agreements maintained by that affiliate. Such report shall include each employer's name, the total hours worked and the agreement under which the hours were worked.

### **District Council Officers**

**Sec. 140.** (a) The officers of a District Council shall consist of the Business Manager/Secretary-Treasurer, the President, the Vice-President and the Trustees.

(b) The governing body of the District Council shall be composed of the Business Manager/Secretary-Treasurer and the Delegates to the Council.

(c) The Executive Board of a District Council shall consist of the Business Manager/Secretary-Treasurer, President, Vice President, the Trustee Chairperson of the District Council and unless otherwise specified in the District Council bylaws, one duly elected delegate from each fully-affiliated Local Union. The Executive Board of a District Council shall be vested with the authority of recommendation only, unless otherwise specifically authorized by the Delegates; provided, however, that during the interim between Council Delegates meetings, the Executive Board shall be authorized to act for the Council Delegates in cases of emergency. The Executive Board shall meet prior to all District Council meetings and at all other times as deemed necessary by the Business Manager/Secretary-Treasurer and/or President.

(d) The duties of all officers, Business Representatives and employees of the District Council shall be carried out, and their authority shall be exercised, in strict accord with this Constitution and the policies and programs established by the General Conventions, by the General President and the General Executive Board. The Business/Manager Secretary-Treasurer of the District Council

shall be responsible for monitoring and taking appropriate action to assure the performance by officers, Business Representatives and employees of their responsibilities under this provision.

### **Duties of Business Manager/Secretary-Treasurer**

**Sec. 141.** (a) The bylaws of a District Council shall provide that the Business Manager/Secretary-Treasurer shall serve as an active, full-time principal officer. The Business Manager/Secretary-Treasurer shall be an automatic trustee to any Trust Fund in which the members of the District Council participates and any Trust Fund in which the members of any affiliated Local Union participate; shall appoint (and have the power to remove) all Union Trustees to all Trust Funds of the District Council and all Trust Funds established by Local Unions fully affiliated with the District Council; shall have full charge of the business office of the District Council; shall have the authority to employ and discharge such employees and purchase and utilize such equipment and supplies as he or she deems necessary for the proper operation of such offices; shall maintain a current list of names and addresses of all members of the affiliated Local Unions; shall be the spokesperson and Chair of, and shall appoint, the District Council negotiating committee(s); shall have the power to direct and supervise Business Representatives in the employ of the District Council in the performance of their duties and assign them to any territory or task irrespective of trade; shall have the power to appoint, discharge and set salaries and expenses for organizers, field representatives or other staff and direct them in the performance of their duties; and shall serve as a delegate to and act as principal representative of labor on the Joint Trade Board(s) established by collective bargaining agreement and appoint all other delegates to the Joint Trade Boards. When retaining professional advisers (such as attorneys and accountants) and

other service providers, the Business Manager/Secretary-Treasurer shall not enter into service contracts that extend beyond his current term of office unless such contracts are approved in advance by the General Executive Board. The Business Manager/Secretary-Treasurer shall have such other duties and authority as specified in this Constitution or the District Council Bylaws.

(b) The Business Manager/Secretary-Treasurer shall be held responsible to the District Council, the affiliated Local Unions, and the General President for results in organizing the jurisdiction of the District Council, for establishing working relations with employers, and for protecting the trade jurisdiction of the International Union of Painters and Allied Trades.

(c) The Business Manager/Secretary-Treasurer shall receive a weekly salary of not less than sixty (60) hours pay at the highest collectively bargained hourly wage rate set forth in the District Council area labor agreement(s). This provision may only be waived upon the approval of the General Executive Board.

(d) The Business Manager/Secretary-Treasurer, at his or her sole discretion, shall be permitted to reduce or increase the number of Business Representatives as financial conditions of the District Council may dictate.

(e) At each District Council meeting, the Business Manager/Secretary-Treasurer shall read all correspondence from the International Union that is designated as official by the International.

(f) The Business Manager/Secretary-Treasurer shall take and maintain accurate minutes of District Council meetings and forward same to all affiliated Local Unions, to all delegates to the District Council and to the General Secretary-Treasurer. At a minimum, the minutes shall contain the following:

(1) a listing of the District Council Delegates and Officers who were present or absent at each meeting, as well as a list of all members and guests in attendance,

(2) a description of each item of business conducted at the meeting, which shall note all motions made and the disposition of each.

(3) a description of each item of International correspondence read to the Delegates.

The Business Manager/Secretary-Treasurer shall also keep a roll-call record book to record the presence or absence of all delegates and officers of the Council at meetings.

(g) The Business Manager/Secretary-Treasurer or his or her designee shall appoint all Shop and Job Stewards. Stewards are charged with the responsibility to ensure that this Constitution, the District Council bylaws, and Working Rules and provisions of the collective bargaining agreement are enforced. It shall be the duty of the Stewards to see that all persons have their working cards, and to contact the District Council immediately if there should be any irregularity.

(h) The Business Manager/Secretary-Treasurer shall appoint from among the members of all affiliated Local Unions the following standing Committees:

Bylaws Committee;

Building Committee;

Retirees Committee and

Community Organizing for Real Economics

Committee (CORE), which is inclusive of Organizing and Political Action.

All other Committees of the District Council, except for negotiating committees which are appointed by the Business Manager/Secretary-Treasurer, shall be appointed by the President or as otherwise set forth in the District Council Bylaws.

(i) When any question arises respecting the construction or interpretation of the District Council Bylaws, the Business Manager/Secretary-Treasurer shall, in the first instance decide any



such question subject to the approval of the District Council Delegates. If the Delegates take no action in respect to such interpretation at the next meeting after it is made, the same shall be deemed approved by the Delegates.

### **Duties of President**

**Sec. 142.** It shall be the duty of the President to preside at all meetings of the District Council Delegates and to conduct the meetings according to the Order of Business published by the General Executive Board and parliamentary rules, to enforce due observance of this Constitution and the bylaws of the District Council at such meetings, to decide all questions of order without debate and subject to an appeal to the meeting, and to see that all officers perform their respective duties faithfully during each meeting. The President shall sign all official documents that have been passed by the District Council Delegates. The President shall not take part in any debate, or make or second any motion. He or she shall not vote on any motion except in case of a tie, when he or she shall have the deciding vote. The President shall appoint all Committees, except as otherwise provided in this Constitution or the Bylaws of the District Council.

### **Duties of Vice-President**

**Sec. 143.** The Vice President shall assist the President in the performance of his or her duties and conduct the meetings in the President's absence.

### **Duties of Trustees**

**Sec. 144.** (a) Each District Council shall elect three, or a greater number of Trustees to be determined by the District Council Bylaws. The Trustees shall, immediately upon election, elect one (1) Trustee as Chairperson.

(b) No District Council Trustee may be employed by the District Council in any other capacity.

(c) On no less than an annual basis the trustees shall meet with the Independent Certified or Chartered Public Accountant to review the audit report upon its completion as required by Section 132(c). The trustees will subsequently render a report on the Audit to the District Council delegates, with a copy of the Audit and report being forwarded to the Office of the General Secretary-Treasurer. Further, the trustees in fulfilling their duties as prescribed in Section 144(a), shall be required to complete any and all forms and/or checklists issued by the General Secretary-Treasurer's office.

**Sec. 145.** The Trustees shall have supervision of all funds and property of the District Council.

**Sec. 146.** The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the District Council's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by the District Council are properly secured in an appropriate depository in the District Council's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the District Council except on an order or check signed in accordance with this Constitution. They shall verify that all investments of the District Council comply with its Investment Policy. They shall verify that expenditures have been made in strict compliance with this Constitution.

**Sec. 147.** (a) At the end of each fiscal quarter the Trustees shall jointly fill out the quarterly checklist of the trustees and forward the original copy to the General Secretary-Treasurer and to

the District Council Business Manager/Secretary-Treasurer. The Trustees shall examine the membership records of the District Council so as to ascertain the membership at the close of each month and shall compare their findings with the duplicates of the reports of the Business Manager/Secretary Treasurer to the General Office to see that the District Council is paying tax on the proper number of members and that all suspensions, reinstatements, initiations, admissions of members on clearance cards and other changes in membership of the District Council and its affiliates have been properly reported.

(b) The trustees also shall submit to the General Secretary-Treasurer and to the District Council Business Manager/Secretary-Treasurer, an audited annual financial statement prepared by an independent accountant. The financial statement is to be reviewed and signed by the Trustees prior to submission to the General Secretary-Treasurer and District Council Business Manager/Secretary-Treasurer. The Trustees shall report to the membership on the essential elements of the financial statement.

**Sec. 148.** The Trustees shall see that the Business Manager/Secretary-Treasurer and other officers, representatives and employees required to be bonded are bonded in the manner and in the amount required by law.

### **Duties of Warden**

**Sec. 149.** Where District Council bylaws establish the office of "Warden," the Warden shall take charge of the door at the meetings, and see that none but the delegates in good standing to the District Council and authorized representatives and guests be admitted. He or she shall also act as Sergeant at Arms.

### **Duties of Business Representatives**

**Sec. 150.** It shall be the duty of the District Councils' Busi-

ness Representatives to render such assistance to the Business Manager/Secretary-Treasurer as he or she may require in carrying out his or her responsibilities and in promoting the programs, policies and initiatives established by the General Executive Board.

### **Delegates**

**Sec. 151.** Each Local Union affiliated with each District Council shall elect the number of delegates as provided for in the District Council Bylaws.

### **Nominations and Elections**

**Sec. 152.** (a) The Business Manager/Secretary-Treasurer shall be elected at large by the members of all Local Unions affiliated with the District Council.

(b) In elections of the Business Manager/Secretary-Treasurer the notice of nominations, and the ballot in the event of a contest, shall note that the holder of this office shall also be an automatic delegate to regular or special Conventions of the International Union (for example, by designating the position as Business Manager/Secretary-Treasurer/automatic delegate to General Convention).

(c) The Business Representatives of a District Council shall be elected at large by the members of all Local Unions fully affiliated with the District Council. The District Council Bylaws may mandate that a certain number of Business Representatives be elected from certain Local Union(s) or from certain classes of membership, provided that no Local Union with fewer than 150 active members in good standing as of April 1 of an election year may be guaranteed a Business Representative and that no Local Union or grouping of Local Unions with fewer than 800 active members in good standing may be guaranteed more than one

Business Representative. Should a Local Union that otherwise would be entitled to a Business Representative under the District Council Bylaws fall below 150 active members in good standing, that Local Union shall be grouped with the nearest Local Union as determined by the Business Manager/Secretary-Treasurer. As set forth in the District Council Bylaws, elected Business Representatives may, when the District Council Bylaws so provide, be automatic delegates to the District Council. In such instances, the Notice of Nominations, and the ballot (in the event of a contest), shall note that the holder of this position shall also be an automatic delegate to the District Council (for example, by designating the position as Business Representative/Automatic Delegate to the District Council).

(d) District Council delegates shall be elected by secret ballot in accordance with the procedure specified in this Constitution.

(e) The President, Vice President, Trustees, and delegate members of the District Council Executive Board shall be nominated, and elected by secret ballot, by the delegates of the District Council within thirty (30) days after each District Council election. The term of each office shall be four (4) years. The provisions set forth in Section 156(b) shall not apply to these positions.

(f) The term of the Business Manager/Secretary-Treasurer and elected Business Representatives shall be four years. The term of District Council Delegates shall be four years, and they shall be elected in the same year in accordance with the provisions of Section 157.

**Sec. 153.** (a) Nominations of the District Council Business Manager/Secretary-Treasurer and Business Representatives shall be held at Local Union meetings in May of each election year. At such meetings, any member of any Local Union affiliated with the District Council may attend for the purpose of being

nominated for such offices. Unless the District Council Bylaws prescribe a different rule, to be nominated for the position of Business Manager/Secretary-Treasurer or Business Representative, one must be nominated in two Local Unions, provided that if a District Council has four or fewer Local Unions, one must be nominated in one Local Union.

(b) Elections of the District Council Business Manager/Secretary-Treasurer and Business Representatives shall be held in June of each election year at such times and locations as shall be established by the District Council Election Committee. The Election Committee shall choose date, times and locations that provide all members a reasonable opportunity to vote while at the same time avoiding undue and unnecessary cost to the District Council.

(c) Notice of the nomination and the election meeting shall be given by mail posted to the last known home address of all members at least five (5) days prior to the nomination date and at least fifteen (15) days prior to the election date. Such notices shall clearly state the date, time, place and purpose of these meetings.

**Sec. 154.** (a) Upon reasonable request of any bona fide candidate for District Council office, the Business Manager/Secretary-Treasurer or his or her designee shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that in making such request the candidate pays all costs involved in advance. The Business Manager/Secretary-Treasurer may require that all campaign literature shall be presented to the principal office of the District Council not later than five

(5) days prior to the election and may, where the volume of work involved exceeds the facilities and capacities of the employees of the organization, provide for a consolidation of such distribution and the cost in the event of such distribution shall be distributed on a pro rata basis.

(b) The Business Manager/Secretary-Treasurer shall make available for inspection by any bona fide candidate for District Council office the membership list once within 30 days prior to the election date. Such inspection shall be arranged for in advance by the Business Manager/Secretary-Treasurer. No candidate shall be permitted to copy any names or addresses of members.

(c) The Business Manager/Secretary-Treasurer shall retain copies of all requests for distribution of campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received for such work and for postage, a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers and such other records as shall relate to the conduct of the election.

**Sec. 155.** (a) To be eligible to run for an elected position in a District Council, a member must meet the following requirements:

(1) The member has been in continuous good standing for two (2) years immediately prior to the date of nomination and must have been a member of the District Council of which he or she wishes to seek office for at least the prior six months;

(2) The member has attended at least one meeting, and attended, or excused his absence from, at least twenty-five percent (25%) of the meetings held by his or her Local Union during the 12 months immediately prior to the date of nomination; a member may excuse his or her absence on the basis of a work conflict, illness, or personal emergency, so long as he or she submits the excuse in writing to the Local Union no later than five (5) calendar days after the missed meeting; and

(3) The member (A) was employed, actively seeking employment, or unable to be employed or to seek employment due

to temporary disability during the major portion of the twelve months prior to the date of nomination, and (B) is currently active in the trades and not voluntarily drawing a pension from a pension plan sponsored by or affiliated with the International Union or a subordinate body of the International Union.

(b) A member otherwise eligible shall not be rendered ineligible under this Section if he or she was employed full-time during the major portion of the 12 months prior to the date of nomination by the International Union, a Local Union or District Council of the International Union, the AFL-CIO or any department thereof, a central body recognized by the Local Union of which he or she is a member or in any department of the local, state, provincial, and/or territorial of Federal Government pertaining to labor.

(c) Where no members are initially nominated who meet the eligibility requirements set forth above, the District Council may accept the nomination and election of others from among its members who are not specifically disqualified under other provisions of the General Constitution. Where the General President, in his or her sole discretion, determines that conditions in a given District Council warrant, he or she may waive one or more eligibility requirements.

(d) In every case, it shall be a requirement of eligibility to be nominated or elected that the member must be a resident of the United States or Canada.

(e) War veterans now serving or having served in the armed forces of the United States or Canada, shall be credited with continuous good standing for the period of such service insofar as eligibility for delegate to the General Convention is concerned.

(f) Any member who enters the land, naval or air forces of the United States or Canada, by enlistment or conscription, and becomes disabled while in service and receives an honorable discharge, shall not be debarred from holding office, provided the



member is otherwise qualified under the provision of the Constitution.

(g) Every member in good standing shall have the right to nominate, vote for, or otherwise support the candidate of his or her choice, subject to the provisions of this Constitution.

(h) No member whose dues have been withheld by his or her employer for payment pursuant to his or her voluntary authorization provided for in a Collective Bargaining Agreement shall be declared ineligible to nominate, vote for, or be a candidate for office in the District Council, by reason of alleged delay or default in the payment of dues by his or her employer.

(i) District Councils may not impose eligibility requirements different than those set forth in this Section.

**Sec. 156.** (a) No member shall be nominated if not present unless absent due to: (a) official Union business; or (b) confinement to his or her home or a hospital due to temporary illness, or unless he or she sends notice to the Local Union Recording Secretary that he or she will accept nomination. In either case, the notice shall be in writing, including email, and received by the Business Manager/Secretary-Treasurer prior to the opening of nominations.

(b) No member shall be nominated for, nor accept nomination for, nor hold, two (2) or more elected positions (including District Council and International Union positions) at any one time; provided that the position as delegate to the General Convention or to a District Council shall not be construed as an elected position for the purpose of this Section. An exception to the above may only be granted upon the District Council receiving written permission from the General President.

(c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the presiding officer without further nomination being made.

(d) The Financial Secretary of each Local Union shall at the time of nominations review the eligibility for office of any candidate and make a report on each candidate at the nominating meeting.

(e) Any question of the eligibility of candidates nominated at such meeting shall be decided forthwith by the presiding officer of the Local Union, in accordance with the provisions of the Constitution, and shall be appealable to the General President in accordance with Section 156(f) below.

(f) Any member may appeal the eligibility determination of the presiding officer to the General President. Any such appeal must be received by the General President, within 48 hours of the presiding officer's determination. The General President or his or her designee shall decide such an appeal within 14 days. In reviewing eligibility questions, the General President shall examine all available and pertinent Local Union, District Council and International Union records; provided however, that in all cases the General President may place full reliance on the membership records on file at the International Union and his or her decision in that regard will be final and binding on all concerned.

(g) A member who is ruled ineligible for office on appeal to the General President may submit a further and final appeal to the General Executive Board within two (2) days following his or her receipt of the General President's decision. The General Executive Board shall decide the appeal as soon as practical and no later than its next regularly scheduled meeting.

**Sec. 157.** (a) In January of each election year, the President of the District Council shall appoint an Election Committee from among the Delegates. This Committee shall adopt rules governing the election, which rules shall be consistent with the Election Guide published by the General Executive Board, and it shall supervise the election of Business Manager/Secretary-Treasur-

er and Business Representatives in accordance with the District Council Bylaws and this Constitution. Upon the request of the Election Committee, the President may appoint assistants from the membership of the District Council to help the Committee conduct the election.

(b) Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.

(c) After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots. Each candidate shall have the right to have an observer present at the polls and at the counting of the ballots. An observer must be a member in good standing of the subordinate body conducting the election.

(d) When there are two (2) or more candidates for an office or delegate, the candidate receiving the highest number of votes shall be declared elected.

(e) All officers shall be installed immediately after election.

(f) All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.

(g) Any protests concerning election or other issues subject to secret ballot vote must be presented to the General President within 14 days after the vote.

(h) Any member aggrieved by a ruling by the General President under sub-section (g) may appeal to the General Executive Board within seven (7) days following the member's receipt of the General President's ruling.

### **Expiration of Term of Office**

**Sec. 158.** (a) The Terms of all District Council officers and

other elected representatives shall expire immediately upon the announcement of the winning candidate, who shall immediately assume office. All District Council officers at the expiration of their term of office, or when removed under procedures set forth in this Constitution, shall immediately deliver to their successor all books, papers, monies and other property in their possession belonging to the International Union, District Councils, Local Unions or other affiliated subordinate bodies. They shall not be relieved from their bonds until they have done so.

(b) All records, vouchers, worksheets, receipts, books and reports, shall be retained at the District Council's principal office for a period of seven (7) years.

### **Vacancies**

**Sec. 159.** (a) A vacancy in the position of Business Manager/Secretary-Treasurer shall be filled by majority vote of the Council Delegates voting by secret ballot at a special called meeting of the Council Delegates. The special called meeting shall occur within fourteen (14) days of the vacancy, and the time and place of the meeting shall be set by the District Council President, who shall give written notice of said meeting and its purpose to each delegate. During the interim between the vacancy and the election of a replacement, the duties of the Business Manager/Secretary-Treasurer shall be performed by the District Council President.

(b) Vacancies in all other District Council officer positions, other than in Local Union delegate positions, shall be filled by nomination and election at the next meeting of the Council of Delegates.

(c) Vacancies among District Council Business Representatives may be filled by appointment by the Business Manager/Secretary-Treasurer. A member appointed in accordance with

this provision shall serve the remaining term of the vacated Business Representative position.

(d) Only members who would be eligible to be nominated in a regular election may be appointed to fill a vacancy.

### **Removal of Officers and Delegates**

**Sec. 160.** No officer or elected official (including elected Business Representatives) of a District Council may be removed except after due charges and a trial in accordance with Sections 253 through 281 of this Constitution. Upon the filing of charges seeking the removal of an officer or elected official, the Business Manager/Secretary-Treasurer shall have discretion to suspend the charged party, with or without pay, and to require that individual to relinquish control of all property of the District Council pending the decision of the Trial Board. Provided, however, that any officer or elected official who fails to remain a member in good standing shall be automatically removed from office.

**Sec. 161.** (a) No delegate to a District Council or central body shall be instructed by the Local Union he or she represents, except at a special meeting called for the express purpose of instructing said delegate.

(b) Any delegate failing to follow the instructions of a Local Union as provided in Section 161(a) may be removed as a delegate by majority vote at a special meeting of the Local Union, and a new delegate shall be elected.

### **Political Action and Education**

**Sec. 162.** (a) District Councils shall strive to procure the passage of uniform lien laws throughout the United States and Canada, making a mechanic's lien the first lien on real estate to secure the wages of labor. Such liens should be granted without unnecessary delays.

(b) It shall be the policy of the International Union to encourage participation by its membership in all local, State, Provincial and National elections and involvement by workers in political affairs and issues within their communities. Each District Council shall adopt and promote this policy and shall, to the extent permissible by law, establish and implement programs designed to communicate to members and their families the importance of registering to vote and voting in all local, State, Provincial and National elections. The District Council shall, in addition, maintain records concerning whether its members have registered to vote and encourage members who have not taken advantage of their right to vote in our democracies to do so.

(c) Members in good standing who are elected or appointed to full-time Federal, Provincial, State or Municipal offices or positions and who, as a result, are unable to work in the trades or employee units within the jurisdiction of the International Union shall, during the term of such government service, continue to accrue consecutive years of membership credit toward Life Membership.

(d) Each District Council will make a maximum effort to secure a voluntary minimum contribution of five cents (\$0.05) per hour per member and/or initiate a weekly voluntary payroll deduction plan in an equivalent amount, such voluntary contributions to be forwarded to the IUPAT PAT Committee for support of political candidates and/or political support programs.

### **New Officer Training Program**

**Sec. 163.** All full time newly elected or appointed (first time) District Council Business Manager/Secretary-Treasurers, Business Representatives, Organizers or other Representatives are required, as a condition to maintaining their positions, to attend Leadership Training sponsored and established by the International Union at such time and place as prescribed by the General Executive Board. The International Union shall pay reasonable

transportation costs, tuition, books, fees and lodging for attendance in the seminar. The District Council of the participant shall pay the participant's salary. The General Executive Board is authorized to sponsor or establish courses and curriculum designed to teach such new officers and representatives the fundamentals necessary to better represent the membership and to invite participation in the seminars by such other staff or officers as it deems appropriate.

# **LOCAL UNIONS**





## Organization

**Sec. 164.** (a) Local Unions may be organized in any part of the United States, its territories or Canada, by twenty-five (25) or more workers who desire to affiliate with and further the goals of this International Union; provided, that the General Executive Board may, in special circumstances, permit charter(s) to be issued to groups of workers fewer than twenty-five (25).

(b) Local Unions must apply to the General Secretary-Treasurer for a charter and pay a \$35.00 charter fee. The General Executive Board shall have complete discretion whether to approve the application, in which case, the General Secretary-Treasurer shall issue a charter and forward initial supplies.

(c) When the membership of a Local Union falls below twenty-five (25) members in good standing, as determined by per capita being paid to the International Union, the Local Union may be dissolved upon action of the General Executive Board. Upon dissolution, the General Secretary-Treasurer shall notify the members of the Local Union to transfer to another Local Union or to affiliate directly with the International Union. The standing of such members in the International Union shall in no manner be affected by such dissolution.

## Objects

**Sec. 165.** (a) The objects of each Local Union shall be to implement and promote the policies and programs of the International Union as set forth in this Constitution and as promulgated by the General Executive Board, and to implement and promote the policies and programs of the District Council with which the Local Union is affiliated as set forth in the District Council By-laws and promulgated by the District Council delegates.

(b) Absent permission of the General Executive Board, all Local Unions shall become full affiliates of the District Council

with jurisdiction over their trade and area, and shall work through and with the District Council to further these goals.

**Sec. 166.** (a) Absent approval from the General Executive Board, every Local Union shall be fully affiliated with, and subordinate to, a District Council.

(b) The provisions set forth herein apply to fully affiliated Local Unions. The General Executive Board shall have full and complete authority to prescribe conditions that any unaffiliated Local Union must follow. Failure of any unaffiliated Local Union to fully abide by such conditions shall constitute grounds for dissolution of the Local Union or for imposition of a special trusteeship.

### **Local Union Bylaws and Dues**

**Sec. 167.** (a) Each Local Union shall frame its own bylaws, which shall in no way conflict with the Constitution of the International Union or the bylaws of the District Council. All Local Union bylaws shall conform to the Model Bylaws for Local Unions promulgated by the General Executive Board. All bylaws shall be submitted for approval to the District Council with which the Local Union is affiliated. Once approved by the District Council, the bylaws shall be submitted for approval to the General Executive Board in a manner and on a template established by the General Secretary-Treasurer. The General Executive Board may approve as written, or it may require corrections that in its judgment are needed to avoid conflict with this Constitution or with law. Upon approval, or approval as corrected, by the General Executive Board, one copy shall be filed with the District Council and one copy shall be retained by the General Secretary-Treasurer. Bylaws or changes thereto are not effective, and may not be printed or enforced prior to approval by the General Executive Board.

(b) The General Executive Board shall approve or disapprove submitted bylaws within six (6) months from the date of submission; if no action is taken within the six-month period, the bylaws shall be considered approved.

(c) All Local Unions shall revise their bylaws no later than June 1st of the year following a General Convention to bring their bylaws into conformity with the action of the General Convention.

**Sec. 168.** At least once a year, the Executive Board of the Local Union, along with the Business Manager/Secretary-Treasurer of the District Council, shall meet and review the Local Union's finances. Thereafter, the Executive Board shall report its findings to a regular or special meeting of the membership.

**Sec. 169.** (a) Whenever a Local Union wishes to alter or amend its bylaws or to alter the rate of dues or other fees or assessments, it shall do so pursuant to the procedure set forth in this section.

(b) Each Local Union shall have a Bylaws Committee as a standing committee. Any proposed bylaw amendment, or change as described in subsection (a), must be approved by the Bylaws Committee and thereafter by the Executive Board. Once so approved, the proposal must be submitted for a membership vote conducted in accordance with the procedure set forth in subsection (c).

(c) Notice shall be given by mail to the membership at least 15 days prior to the meeting at which the members will consider and vote on the question. The notice must specifically state the question to be voted on, including the precise amount or rate of any change in dues, fees, or assessments, and must include a copy of any proposed Bylaw amendment. Such meeting may be regular or special. Voting shall be by secret ballot, and a majority vote of the members in good standing present and voting at such

meeting shall decide the issue. Any such proposal thus adopted must be submitted for approval in accordance with Section 167 above.

(d) This procedure shall not be applicable to the modification, reduction or waiver of administrative processing fees by a Local Union, on approval of the General Executive Board, for organizational purposes, or otherwise in special circumstances, pursuant to this Constitution.

(e) Assessments may be levied during the course of a strike without regard to the 15-day notice requirement of sub-section (c), but the proposed assessment must be approved by the Business Manager/Secretary-Treasurer of the District Council and a majority of the members voting after reasonable notice of the meeting is provided in a manner determined to be reasonable and adequate under the circumstances by the Business Manager/Secretary-Treasurer.

**Sec. 170.** No Local Union may permit a member to be indebted for dues. Any Local Union desiring to pay a member's dues, whether for services rendered or to relieve hardship, must make such payment, credit the payment in the cash receipts journal and the member's ledger, and issue the member a receipt indicating that his or her dues were paid by the Local Union. The order may be presented to the Treasurer and the money collected from him or her and paid to the Financial Secretary, or the order, properly endorsed by the member, may be turned in to the Financial Secretary, who shall accept it as cash and turn it in to the Treasurer. Such orders shall be included in the Local Union's record of expenditures and shown in the cash disbursements journal. Any Local Union that desires to pay members' dues under this section must do so on the basis of uniform written standards approved by a vote of the membership and applied in a nondiscriminatory manner.

**Sec. 171.** No Local Union or other subordinate body shall circulate any appeal or circular asking for financial aid unless such appeal is approved by the General Executive Board, attested by the General Secretary-Treasurer. Each Union receiving such financial assistance must forward to the General Secretary-Treasurer an itemized account of receipts and expenditures.

**Sec. 172.** No Local Union or other subordinate body shall levy assessments on its members to aid other trades in cases of trade issues without the consent of the General Executive Board.

### **Meetings**

**Sec. 173.** (a) The General Executive Board shall be empowered to revoke the charter of any Local Union which fails to hold regular meetings. What constitutes “regular meetings” shall be determined by the General Executive Board based on the circumstances of each case, but absent special circumstances, meetings should be held monthly.

(b) During any and all regular, special or recess sessions of any Local Union the flag of the country in which the body is chartered shall be displayed in such position as will be faced by the assemblage.

**Sec. 174.** Seven (7) members in good standing shall constitute a quorum, except in Unions with twenty five (25) or fewer members, where five (5) members shall constitute a quorum.

### **Finances**

**Sec. 175.** Local Unions granted an exception to central dues collection and reporting shall, promptly at the end of each month, forward all monies due and required reports to the International Union and the District Council. Remittances must be made by money order, check or electronic transfer approved by the Gener-

al Secretary-Treasurer or the Business Manager/Secretary-Treasurer, as the case may be.

**Sec. 176.** Should a majority of the Trustees doubt the accuracy of any bill from the General Secretary-Treasurer or a District Council, the Local Union shall pay the same under protest, and such protest shall be the first business taken up by the General Executive Board or the District Council Delegates, as the case may be, at its next meeting.

**Sec. 177.** Each month, every Local Union shall hold in its Treasury, as a standing appropriation to be forwarded to the General Secretary-Treasurer, a sum equivalent to its monthly per capita tax, Death Benefit Fund obligations, IUPAT Local Union and District Council Pension Fund payments, and all other payments required to be made to the International Union under this Constitution. Such required payments shall be made prior to allowing other expenditures.

**Sec. 178.** In the case of mistaken per capita tax payments to the International Union or the District Council, or any other payment made by mistake or error, the refund to the Local Union shall be limited to three (3) months' payments.

### **Funds and Property of Local Unions**

**Sec. 179.** (a) Local Unions shall not incorporate or otherwise assume a legal status other than that provided by this Constitution. All Local Union funds, assets and property shall be held in the name of the Local Union and may not be transferred or conveyed to any other person, body, committee, entity or organization except as otherwise permitted in this Constitution. No Local Union shall acquire title to real property.

(b) Local Unions that owned real property before the prohibition on the holding of real property by Local Unions may establish, where local law requires, a Declaration of Trust or Cor-

porate Entity to hold title to real estate for the benefit of the Local Union. In such case, the Local Union shall be the actual and beneficial owner of all shares or interest in the trust or corporate entity. The trust or corporate entity shall be construed as being subject to this Constitution and to the laws, rules and regulations of the International Union, and all officers or trustees of such entity shall be, if not otherwise appointed to office or position pursuant to Local Union Bylaws, subject to election in accord with the provisions of this Constitution that refer to the election of Local Union officers. A Local Union must obtain approval by the General Executive Board of the trust or entity Bylaws and operational documents. In circumstances where a Local Union has established a trust or corporate entity to hold title to real property without the approval of the General Executive Board, immediately upon discovery by any Local Union officer, the Local Union shall revise its trust and/or corporate documents to comply with this provision and submit its operational documents and Bylaws for General Executive Board approval.

(c) The funds and property of a Local Union shall be used for such purposes only as are specified in this Constitution, in the District Council and Local Union bylaws and as may be approved by a majority of the Local Union members present at a meeting at which the question is presented. Recurring and fixed expenses may be authorized by a single vote of the membership. Local Union's shall not make any non-per capita tax expenditures in excess of \$5,000.00 without prior written approval of the District Council Business Manager/Secretary-Treasurer. No member shall possess any right, title or interest (actual or beneficial) in the funds, property, assets, entitlements or expectancies of a Local Union.

(d) On no consideration shall money from the Local Union Treasury be loaned or donated to members (strike, lockout and



regularly established sick benefits excepted). This shall not prohibit a Local Union from levying an assessment upon the membership to provide funds to relieve distress among members totally disabled from earning a living on account of injuries or sickness incurred while working at the trade; provided, however, that before any such assessment is levied (1) all members shall be notified by mail that the proposed assessment will be considered at the next meeting and, (2) the majority of members present and voting, approve the assessment in a secret ballot vote.

(e) No funds of a Local Union or any other subordinate body of this International Union shall be used to pay the legal expenses and costs incurred by any member or members involved in any litigation or administrative or legal proceeding which involves the International Union or any subordinate body thereof except upon a two-thirds vote of the membership present and voting at a special meeting called to discuss and decide the issue.

(f) All local unions with annual receipts of \$350,000.00 or more shall have an annual audit performed by an Independent Certified or Chartered Public Accountant, and the Local shall instruct the auditor to state whether his or her opinion is modified or qualified in any respect. All local unions whose net assets exceed \$350,000.00, but whose annual receipts are less than \$350,000 shall obtain such an audit and opinion every three (3) years, with the first audit performed for the fiscal year that ends prior to the Local Union's election of officers. If, in the opinion of the Business Manager/Secretary-Treasurer, the audit reveals financial abuses or a failure to follow sound and reasonable business practices, the local union shall obtain such an audit and opinion annually until it has corrected the deficiencies for three consecutive years. The audit required by this section shall be completed no later than four (4) months after the close of the

local union's fiscal year, reviewed by the Local Union Trustees in accordance with Section 206(b) and forwarded by the Trustees to the General Secretary-Treasurer's office.

**Sec. 180.** (a) The funds or property of the Local Union shall not be divided among the members, individually, but shall remain the funds and property of the Local Union, for its legitimate purposes, while twenty-five (25) members remain therein; provided, however, that in the case of a merger of a Local Union or in the case of a Local Union's dissolution, the charters of the Local Union or Local Unions merged, or dissolved, shall be surrendered to the General Secretary-Treasurer and the funds and property shall revert, pro rata, to the Local Union or Local Unions to which the members transfer. When the charter of a Local Union is revoked, the Local Union or its officers shall forthwith turn over all books, documents, property and funds to the General President or his representative; and should a Local Union disaffiliate, secede, dissolve or be dissolved, suspended, expelled, or forfeit its charter, then all books, documents, property and funds shall likewise be turned over forthwith to the General President or his representative. In all such cases, the books, documents and funds shall be held in trust by the International Union until such time as the Local Union may be reinstated or reorganized. If it is not reinstated or reorganized within two (2) years, then such books, documents, properties and funds shall revert to the International Union.

(b) Whenever a Local Union, or other subordinate body secedes, disaffiliates or dissolves, or its charter is suspended, forfeited, or revoked, and demand is made upon such organization or its officers to deliver to the General President or his authorized representative the records, property and funds of such organization, and such demand is refused, then all expenses, of whatever nature, incurred by the International Union in recovering such

records, property and funds, shall be a lawful charge upon recovery thereof, the International Union shall reimburse itself from the property and funds recovered.

(c) A Local Union may disaffiliate from the International if two-thirds of all members in good standing (not only those attending) vote in favor of disaffiliation at a special meeting called upon 30 days notice to the members and to the General Secretary-Treasurer that disaffiliation will be considered at the meeting. A Local Union shall not be dissolved, except by action of the General Executive Board taken in compliance with this Constitution, as long as seven members in good standing desire for the Local Union to continue. The International Union and its other subordinate bodies shall not be liable for any debts or obligations of any Local Union by virtue of the transfer or reversion to them of any funds or property of such Local Union pursuant to this section; and if a court of competent jurisdiction should rule otherwise, the said liability shall be strictly limited to the funds and property owned by such Local Union at the time of said transfer or reversion.

### **Deposit of Funds**

**Sec. 181.** No Local Union or other subordinate body shall place its funds in any bank or depository in the name of any individuals, or in the name of any other entity; all monies must be deposited in the name of the Local Union to be drawn at the order of the Local Union by the proper officers.

### **Reports to General Secretary-Treasurer**

**Sec. 182.** Local Unions shall file all reports required by law or regulation and they shall submit copies of such reports to the District Council Business Manager/Secretary-Treasurer and to the General Secretary-Treasurer.

## **Audits of Delinquent Local Unions**

**Sec. 183.** (a) The General Secretary-Treasurer may direct an audit of any Local Union which has become delinquent two (2) months or longer in the payment of any monetary obligation due and owing to the International Union. The General Secretary-Treasurer shall ascertain the reasons for such delinquency and the extent of the Local Union's financial ability to pay the obligations.

(b) Should the General Secretary-Treasurer determine that the Local Union does not have the ability to pay its obligations, he or she shall, in writing, order payment arrangements to satisfy the obligation.

(c) Should the General Secretary-Treasurer determine that the Local Union can pay the obligations, he or she shall, in writing, order immediate payment.

(d) Failure to comply with the General Secretary-Treasurer's orders may result in trusteeship or removal of the officers of the Local Union.

**Sec. 184.** Any member of a lapsed, dissolved or suspended Local Union shall be transferred to another Local Union as determined by the General Executive Board. No member's rights in the International Union shall be impaired by such transfer.

## **Local Union Officers**

**Sec. 185.** (a) The officers of a Local Union shall be a President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Warden, and at least three (3) Trustees.

(b) Any Local Union officer may be required by the General President to attend training concerning their duties as officers.

(c) The Bylaws of a Local Union shall designate the composition of its Executive Board. Where the bylaws of a Local Union do not designate a Local Union Executive Board, the President,

Vice President, Recording Secretary, Financial Secretary and Treasurer shall constitute the Local Union Executive Board.

(d) The Executive Board may only make recommendations unless specifically authorized to act on behalf of the Local Union by the membership voting at a regular or special meeting; provided that, where the Executive Board determines that immediate action is necessary, it may act subject to review by the membership at the next regular meeting. All requests for donation shall be referred to the Executive Board, which shall make a recommendation to the membership at the next regular meeting

(e) The General Executive Board may direct the combination or elimination of Local Union offices or the reassignment of responsibility from one officer to another.

**Sec. 186.** All Local Union officers shall serve a term of three (3) years, provided that each officer's term shall end immediately upon the election of his or her successor.

### **Executive Board**

**Sec. 187.** Salaries and other compensation of Local Union officers shall be established and modified only as follows:

(a) Salaries shall be established prior to nominations;

(b) Salaries may be increased once during a term for the remainder of the term. Salaries may be reduced during a term if funds are not sufficient to pay the amount previously established;

(c) Salaries and other compensation must be set forth in the Bylaws, and any change in salaries and compensation must be accomplished by amendment of the Bylaws.

**Sec. 188.** The terms of office and salary provisions of this Constitution and Local Union Bylaws are subject to restriction, alteration, or termination as a consequence of the merger of Local Unions, removal of officers by appropriate proceedings, im-

position of Trusteeship and by such other process as is provided for in this Constitution. This provision shall constitute due notice of its terms under any applicable law requiring such notice.

### **Duties of President**

**Sec. 189.** At each meeting of the membership and of the Executive Board, the President shall preside, preserve order and enforce this Constitution and bylaws; the President shall decide all questions of order during each meeting subject to an appeal to the membership. The President, during meetings, shall also be responsible for requiring all officers to provide appropriate reports to the membership as required by this Constitution and the District Council or Local Union Bylaws. The President shall not vote except by ballot, but shall have the deciding vote in case of a tie when voting by any other method.

**Sec. 190.** The President shall sign all orders by the Treasurer or checks upon the funds in banks authorized by the Local Union, but on no consideration shall he or she sign warrants or checks for expenditures not previously authorized by the members or by the Bylaws.

**Sec. 191.** Unless this Constitution specifically provides otherwise, the President shall appoint all Local Union committees. The President shall call special meetings when requested in writing by at least ten percent (10%) of the members in good standing, or five (5) members in good standing, whichever is greater. All members must be notified of such meeting by a notice that is sufficiently detailed to inform the members of the purpose of the meeting and matters to be voted on, if any.

**Sec. 192.** To preserve order at meetings, the Chair shall admonish any member who enters the meeting in a state of intoxication, or who disturbs the harmony thereof, or who uses profane or unbecoming language. If the member again offends he or she

shall be fined by the chair, not less than \$10.00 nor more than \$20.00, and may be removed from the hall.

**Sec. 193.** Preceptor. The immediate ex-President, any other ex-President, or, in their absence, any officer or member of the International Union in good standing shall act as Preceptor in initiation and installation ceremonies.

### **Duties of Vice President**

**Sec. 194.** The Vice President shall assist the President in the discharge of his or her official duties and fill his or her place in case of absence.

### **Duties of Recording Secretary**

**Sec. 195.** (a) The Recording Secretary shall keep correct minutes of each meeting, read all documents and correspondence, issue all summons for meetings, have charge of the seal and affix the same to all official documents, draw and sign all orders on the Treasurer or checks upon the bank, and conduct all official correspondence. The Recording Secretary shall notify the General Secretary-Treasurer and the District Council Business Manager/Secretary-Treasurer at once of any change of Local Union officers.

(b) The Recording Secretary shall maintain records of the proceedings of all meetings of the Local Union and the Executive Board. He or she shall promptly transmit copies of the minutes of each Local Union and Executive Board meeting to the Business Manager/Secretary-Treasurer of the District Council. The Recording Secretary also maintains important documents, papers, and correspondence, and agreements with employers covering the work of members of the Local Union. Upon request of any person made in person or in writing to the Recording Secretary during regular hours at the principal office, the Recording Secretary shall provide a copy of the Collective Bargaining Agreement

made by the District Council with the employer of such person and may require a receipt therefore.

**Sec. 196.** In the absence of both the President and Vice President, the Recording Secretary shall preside at Executive Board and membership meetings.

### **Duties of Recording Secretary in Connection with Nominations and Elections:**

**Sec. 197.** (a) Upon reasonable request of any bona fide candidate for office, the Recording Secretary shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that in making such request the candidate pays all costs involved in advance. The Recording Secretary may require that all campaign literature be presented to the principal office of the Union not later than five (5) days prior to the election and may, where the volume of work involved exceeds the facilities and capacities of the employees of the organization, provide for a consolidation of such distribution and the cost in the event of such distribution shall be distributed on a pro rata basis.

(b) The Recording Secretary shall make available for inspection by any bona fide candidate the membership list covered by Union security agreements once within 30 days prior to the election date. Such inspection shall be arranged for in advance by the Recording Secretary. No candidate shall be permitted by the Recording Secretary to copy any names or addresses of members.

(c) The Recording Secretary shall retain copies of all requests for distribution of campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received for such work and for postage, a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers and such other records as shall relate to the conduct of the election.



## **Duties of Financial Secretary**

**Sec. 198.** (a) The Financial Secretary shall receive all monies paid into or received by a Local Union and shall issue a receipt for same. All receipts issued are to be recorded in a cash receipts journal. The above applies to monies received between meetings, as well as those received on meeting nights.

(b) The Financial Secretary shall maintain and make all entries in required reports as amended from time to time by the office of the General Secretary-Treasurer. All receipts from members entered on the cash receipts journal are also to be posted to the individual member's ledger. At the end of each month, a copy of the Monthly Activity Report is to be submitted to the office of the General Secretary-Treasurer.

(c) The Financial Secretary is to report to the membership at each meeting the total receipts collected in the prior month and same is to be recorded into the official minutes.

(d) The Financial Secretary shall upon written request by any member in good standing make available for inspection by such member a copy of any annual report required by law to be filed with the Department of Labor or Internal Revenue Service. Upon a written request by any member in good standing setting forth good and sufficient cause for requesting examination of any books, records, and accounts necessary to verify an annual report referred to in this subsection, the Financial Secretary shall make arrangements to have the records available for inspection during regular business hours at the principal office of the Local Union. In the event that the Financial Secretary believes that just cause does not exist for the request made, he or she may deny the request in which case the member may appeal the matter within ten (10) days in writing to the Local Union Executive Board.

(e) Financial Secretaries shall close their cash receipts journals and Local Union Activity Report at the end of each month.

As soon as possible but not later than the 10th of the following month, a copy of the Local Union Activity Report is to be mailed to the office of the General Secretary-Treasurer.

(f) The Financial Secretary shall also maintain a record of all members with their last known address. Said record shall not be open to inspection by any member except a bona fide candidate for office in connection with an election, as set forth in Section 197(b).

(g) The Financial Secretary shall also be responsible for all other duties of the office as set forth in this Constitution.

**Sec. 199.** (a) Reports to the General Secretary-Treasurer and Membership. Financial Secretaries shall close the books of the Local Union at the end of each month. As soon as possible but not later than the 10th of the following month, they shall mail all required monthly reports, forms, and cards which are to be sent to the office of the General Secretary-Treasurer.

(b) The Financial Secretary shall report monthly to the General Secretary-Treasurer all changes in membership in the Local Union. The Financial Secretary shall do so through the use of the Local Union Activity Report.

(c) The original Local Union Activity Report received by the General Secretary-Treasurer shall constitute the official notification of changes in the membership of the Local Union. Entries are subject to correction only upon the receipt of written proof of an error made by the Financial Secretary and verified by comparison to a receipt or other documents issued to the member.

(d) The Financial Secretary shall read each month a summary report for the prior month stating the overall membership with the gain or loss of membership noted, the number and names of members on application and those initiated, the number and names of members reinstated, and the names and number of clearance cards deposited and issued.

(e) Where a Local Union is affiliated with a District Council, each month the Financial Secretary shall submit to the Business Manager/Secretary-Treasurer, upon request, a copy of the Local Union's financial report and check registers.

**Sec. 200.** (a) The Financial Secretary shall turn over all monies collected to the Treasurer of the Local Union, on a timely, but not less than weekly, basis for the Treasurer to deposit into the proper Local Union account.

(b) The Financial Secretary is to indicate on the monthly journal that the funds were given to the Treasurer. The Treasurer, in turn, is to sign on the same line indicating his or her receipt of same.

(c) It is also permissible for the Financial Secretary to deposit all funds collected and to turn over a certified deposit slip to the Treasurer.

**Sec. 201.** Payment of Monthly Remittance to the General Secretary-Treasurer: When forwarding the original copy of the monthly billing statement to the office of the General Secretary-Treasurer, the Financial Secretary shall enclose a check or money order for the amount shown immediately to the right of the notation, "Total Net Charges to Be Paid by Month 10," found in the lower portion of the billing statement.

**Sec. 202.** (a) The Financial Secretary shall report monthly all suspensions and reinstatements. Reinstatements shall also be clearly noted on the monthly Activity Report.

(b) The Financial Secretary shall keep a correct account of each member's financial standing together with the member's full name and address, social security and phone number, date of birth and date of initiation.

(c) The Financial Secretary shall provide each member who reinstates or who deposits a clearance card with a change of address card and forward the same to the General Secretary-Treasurer.

(d) The Financial Secretary shall examine all dues books coming into his or her possession and see that the title page and the page for designation of beneficiary are correctly filled out. If the dues book is not applicable, he or she shall see that a designation of beneficiary card is completed.

(e) Fines imposed upon a member either by the member's home Local Union or any other Local Union, having proper jurisdiction shall be charged to the member's account by the Financial Secretary and must be paid before dues are accepted. However, if the District Council or Local Union that imposes a fine has granted the member a stated time or a time payment program, the Financial Secretary shall accept dues and fine payments in accordance with said stated payment plan.

(f) The Financial Secretary shall not accept or credit dues payments from a member until all fines, assessments and other indebtedness against said member, due and payable, are paid in full.

(g) In U.S. Local Unions, action by the Financial Secretary not accepting dues until a fine or assessment has been paid will not be utilized to affect the employment status of the member.

(h) The Financial Secretary shall under no condition accept partial payment from a suspended member making application for reinstatement but must collect complete indebtedness which the member owed when suspended, the reinstatement fee and such additional dues and assessments to and including the month of reinstatement before presenting the application for approval of the Local Union.

(i) The Financial Secretary shall submit all claims for International Union benefits on the forms provided by the General Secretary-Treasurer, having same properly signed and attested in accordance with the Constitution.

(j) The Financial Secretary shall complete and sign all clear-

ance cards deposited and mail the same to the General Secretary-Treasurer, with monthly reports. Change of address cards shall be submitted to the General Office with the clearance cards if the member's address has changed. If the address is the same, that should be indicated on the reverse side of the clearance card.

### **Duties of Treasurer**

**Sec. 203.** (a) The Treasurer shall receive from the Financial Secretary all monies collected, on a timely, but not less than weekly, basis and give receipt for the same in the manner prescribed in Section 200. The Treasurer shall make no disbursement without the sanction of the Local Union and then only by warrant or check, signed by the Treasurer, and either both the President and Recording Secretary or either the President or Recording Secretary as determined by the Local Union in its By-laws; the Treasurer is authorized with the consent of the Local Union to deputize such function in his or her temporary absence to a qualified member. Along with the President and Recording Secretary, the Treasurer shall be strictly guided by the provisions of Section 177.

(b) For checks or orders on the bank that are issued electronically on behalf of the Local Union, such as payroll direct deposit, a report or register listing all such payments must be signed in the same manner as described in Section 203(a) with a written statement attached that the signatories have reviewed and approved all payments in the listing. All electronic payments described herein must be reported the same as any payments in Section 203(a).

(c) The Treasurer shall present to the Local Union, at the end of each quarter, an itemized statement of all money received and paid out by him or her. The Treasurer shall submit his or her financial report for inspection by the Recording Secretary each

meeting night and submit his or her books for inspection to the Trustees at any time when called upon to do so.

(d) The Treasurer shall receive at least \$1.00 per annum as salary and shall file bonds with the General Secretary-Treasurer, in the amount required by law, but not less than \$2,500.00, for the discharge of his or her duties.

### **Duties of Trustees**

**Sec. 204.** The Trustees shall have supervision of all funds and property of the Local Union.

**Sec. 205.** The Trustees shall examine the cash receipts journal and cash disbursements journal as well as the bank records for each month to determine that all monies collected and disbursed have been properly accounted for. They shall also review the reconciliations of the Local Union's bank statements to verify their balance. They shall see that all bonds, notes or other securities owned by the Local Union are properly secured in an appropriate depository in the Local Union's name. They shall instruct the officers of the bank to pay no money nor cash any bonds, notes or other securities on account of the Local Union except on an order or check signed in accordance with this Constitution. They shall verify that expenditures have been made in strict compliance with this Constitution.

**Sec. 206.** (a) At the end of each fiscal quarter the Trustees shall jointly fill out the quarterly checklist of the trustees and forward the original copy to the General Secretary-Treasurer and to the District Council Business Manager/ Secretary-Treasurer. The Trustees shall examine the membership records of the Local Union so as to ascertain the membership at the close of each month and shall compare their findings with the duplicates of the reports of the Financial Secretary to the General Office to see that the Local Union is paying tax on the proper number of members

and that all suspensions, reinstatements, initiations, admissions of members on clearance cards and other changes in membership of the Local Union have been properly reported.

(b) In Local Unions required to have an audited financial statement prepared by an independent accountant, the Trustees shall submit the financial statement to the General Secretary-Treasurer and to the District Council Business Manager/Secretary-Treasurer. The financial statement is to be reviewed and signed by the Trustees prior to submission to the General Secretary-Treasurer and District Council Business Manager/Secretary-Treasurer. The Trustees shall report to the membership on the essential elements of the financial statement.

**Sec. 207.** The Trustees shall see that the Treasurer and Financial Secretary, and other officers or representatives required to be bonded are bonded in the manner and in the amount required by law, but not for less than \$2,500.00, sufficient to thoroughly protect the funds of the Local Union and when directed by the Local Union the Trustees shall file bonds in such amounts as the Local Union shall require.

### **Duties of the Warden**

**Sec. 208.** The Warden shall take charge of the door at the meetings and see that none but the members in good standing of the Local Union and authorized representatives and guests be admitted. He or she shall also act as Sergeant at Arms.

### **Nominations and Elections**

**Sec. 209.** (a) The election of Local Union Officers, Local Union Executive Board Members, delegates to central bodies, and District Councils shall be held on the last meeting in June and nominations for the same shall be held on the last meeting in May.

(b) Notice of the nomination meeting and the election meeting shall be given by mail posted to the last known home address of all members at least five (5) days prior to the nomination date and at least 15 days prior to the election date. Such notices shall clearly state the date, time, place and purpose of these meetings.

(c) Each Local Union shall elect its officers and delegates to central bodies by secret ballot for a term of three (3) years, and shall elect Delegates to the District Council by secret ballot for a term of four (4) years. Officers and said delegates shall hold office until their successor is duly elected.

**Sec. 210.** (a) To be eligible to run for any elected position, a member must meet the following requirements:

(1) The member has been in continuous good standing for two (2) years immediately prior to the date of nomination and must have been a member of the Local Union of which he or she wishes to seek office for at least prior six months;

(2) The member has attended at least one meeting, and attended, or excused his absence from, at least twenty-five percent (25%) of the meetings held by the Local Union during the 12 months immediately prior to the date of nomination; a member may excuse his or her absence on the basis of a work conflict, illness, or personal emergency, so long as he or she submits the excuse in writing to the Local Union no later than five

(5) calendar days after the missed meeting; and

(3) The member (A) was employed, actively seeking employment, or unable to be employed or to seek employment due to temporary disability, within our trade during the major portion of the twelve months prior to the date of nomination, and

(B) is currently active in the trades and not drawing a pension from a plan sponsored by or affiliated with the International Union or any subordinate body of the International Union. “Em-



ployed” and “employment” means “full-time” employment as defined in Section 211(j).

(b) A member otherwise eligible shall not be rendered ineligible under this Section if he or she was employed full time during the major portion of the 12 months prior to the date of nomination by the International Union, a Local Union or District Council of the International Union, the AFL-CIO, or any department thereof, a central body recognized by the Local Union of which he or she is a member or in any department of the local, state, provincial and/or territorial or Federal Government. For the purpose of this section, “full-time” shall mean working at least 870 hours per year, determined by dividing the total of the office holder’s earnings during the twelve (12) months preceding the month of nominations by the lesser of the journey-person’s hourly rate of compensation, or the officeholder’s lowest hourly rate of compensation.

(c) Where no members are initially nominated who meet the eligibility requirements set forth above, the Local Union may accept the nomination and election of others from among its members who are not specifically disqualified under other provisions of the General Constitution. Where the General President, in his or her sole discretion, determines that conditions in a given Local Union warrant, he or she may waive one or more eligibility requirements.

(d) In every case, it shall be a requirement of eligibility to be nominated or elected that the member must be a resident of the United States or Canada.

(e) War veterans now serving or having served in the armed forces of the United States or Canada, shall be credited with continuous good standing for the period of such service insofar as eligibility for delegate to the General Convention is concerned.

(f) Any member who enters the land, naval or air forces of

the United States or Canada, by enlistment or conscription, and becomes disabled while in service and receives an honorable discharge, shall not be debarred from holding office or serving as a delegate or representative of the Local Union, provided the member is otherwise qualified under the provisions of the Constitution.

(g) Every member in good standing shall have the right to nominate, vote for or otherwise support the candidate of his or her choice, subject to the provisions of this Constitution.

(h) No member whose dues have been withheld by his or her employer for payment to the Local Union pursuant to his or her voluntary authorization provided for in a Collective Bargaining Agreement shall be declared ineligible to nominate, vote for, or be a candidate for office in the Local Union, by reason of alleged delay or default in the payment of dues by his or her employer to the Local Union.

(i) Local Unions may not impose eligibility requirements different than those set forth in this Section.

**Sec. 211.** (a) No member shall be nominated if not present unless absent due to: (a) official Union business; or (b) confinement to his or her home or a hospital due to temporary illness.

(b) No member shall be nominated for, nor accept nomination for, nor hold, two (2) or more full-time or part time elected positions (including District Council or International positions) at any one time; provided that the position as Delegate to the General Convention or to a District Council shall not be construed as an elected position for the purpose of this Section. An exception to the above may only be granted upon the Local Union receiving written permission from the General President.

(c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the presiding officer without further nomination being made.

(d) The Financial Secretary shall at the time of nominations review the eligibility for office of any candidate and make a report on each candidate at the nominating meeting.

(e) Any question of the eligibility of candidates nominated at such meeting shall be decided forthwith by the presiding officer of the Local Union, in accordance with the provisions of the Constitution, and shall be appealable to the General President in accordance with Section 211(f), below.

(f) Any member may appeal the eligibility determination of the presiding officer to the General President. Any such appeal must be received by the General President, within 48 hours of the presiding officer's determination. The General President or his or her designee shall decide such an appeal, within 14 days. In reviewing eligibility questions, the General President may examine all available and pertinent Local Union, District Council and International Union records provided; however, that in all cases the General President may place full reliance on the membership records on file at the International Union and his or her decision in that regard will be final and binding on all concerned.

(g) A member who is ruled ineligible for office on appeal to the General President may submit a further and final appeal to the General Executive Board within two (2) days following his or her receipt of the General President's decision. The General Executive Board shall decide the appeal as soon as practicable, but no later than its next regularly scheduled meeting.

(h) In the event only one (1) candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the election meeting.

(i) In elections held to fill vacancies, a member who holds an elected Local Union position other than delegate to the General Convention or District Council delegate must resign said posi-

tion in writing before accepting nomination as a candidate for another elected Local Union position and all existing vacancies, including those left by such resignations, shall be filled by the same nominations and elections. The notice of the nominations meeting shall state that nominations will be accepted for the position vacated, and any other positions that come open as a result of any such resignation.

(j) The term “full-time” as used in this section shall mean employment during which the officeholder has served at the rate of 870 hours per year. The 870 hours will be determined by dividing the total of the officeholder’s earnings during the 12 months preceding the month of nominations by the lesser of the journey-person’s hourly rate of compensation, or the office-holder’s lowest hourly rate of compensation during that 12-month period.

**Sec. 212.** (a) At elections the presiding officer shall appoint two (2) tellers and one (1) judge who shall constitute the election committee. The presiding officer shall then announce the names of the candidates in rotation and a vote shall be taken.

(b) Voting shall be conducted by secret ballot among the members in good standing. Each member shall be entitled to one (1) vote. There shall be no proxy vote. There shall be no write-in candidates.

(c) After voting is complete, the tellers shall collect the ballots and the Election Committee shall count the ballots. Each candidate shall have the right to have an observer present at the polls and at the counting of the ballots. An observer must be a member in good standing of the subordinate body conducting the election.

(d) When there are two (2) or more candidates for an office or delegate, the candidate or candidates receiving the highest number of votes shall be declared elected.

(e) All officers shall be installed immediately after election.

(f) All nomination and election records, including the minutes of the nomination meeting and the ballots cast, shall be preserved for a period of at least one (1) year.

(g) Any protests concerning elections or other issues subject to secret ballot vote must be presented to the General President within 14 days after the vote.

(h) Any member aggrieved by a ruling by the General President under sub-section (g) may appeal to the General Executive Board within seven (7) days following the member's receipt of the General President's ruling.

### **Expiration of Term of Office**

**Sec. 213.** (a) The terms of all Local Union officers and other elected representatives shall expire immediately upon the announcement of the winning candidate, who shall immediately assume office. All Local Union Officers at the expiration of their terms of office or when removed under procedures set forth in this Constitution, shall immediately deliver to their successors all books, papers, monies and other property in their possession belonging to the International Union, Local Unions or other affiliated subordinate bodies. They shall not be relieved from their bonds until they have done so.

(b) All records, vouchers, worksheets, receipts, books and reports, shall be retained at the Local Union's principal office for a period of seven (7) years.

### **Vacancies**

**Sec. 214.** If any officer or delegate fails to discharge the duties of his or her office or position for three (3) consecutive meetings without a reasonable excuse, the office or position shall be declared vacant by the President.

**Sec. 215.** Vacancies occurring among the officers in any Local

Union shall be filled by nominations at the next meeting and election at the succeeding meeting, under procedures set forth above; except that if at the time the vacancy occurs the period remaining to the end of the unexpired term of the vacant office is twelve (12) months or less the vacancy shall be filled by appointment by the District Council Business Manager/Secretary-Treasurer.

**Sec. 216.** During the temporary absence of any officer the President shall appoint a member to perform the functions of that office on a pro tem basis.

### **Removal of Officers and Delegates**

**Sec. 217.** No officer or other elected official of a Local Union may be removed except after due charges and a trial in accordance with Sections 253 through 281 of this Constitution. Upon the filing of charges seeking the removal of a Business Representative or other elected official, the Business Manager/Secretary-Treasurer of the District Council (for affiliated Local Unions) or the Business Manager (for unaffiliated Local Unions) shall have discretion to suspend the Business Representative or elected official with or without pay, and to require that Business Representative or elected official to relinquish control of all property of the Local Union, pending the decision of the Trial Board. Provided, however, that any officer or other elected official who goes suspended for nonpayment of dues or who fails to remain a member in good standing of the Local Union that elected him or her shall be automatically removed from office.

### **REGIONAL CONFERENCES**

**Sec. 218.** (a) Regional Conferences may, with the consent of the General Executive Board, be formed in any Region; such Conferences shall not exercise the functions of District Councils or Local Unions.

(b) Regional Conferences shall adopt bylaws, rules and regulations for their government, which shall not be in conflict with this Constitution and shall be subject to approval of the General Executive Board.

(c) District Councils within the Region must affiliate with the Conference and observe its laws.

(d) The primary functions of such Conferences shall be to devise ways and means for Region-wide assistance to District Councils in organizing and expanding work opportunities for members, and to serve as a forum for educating affiliates on the policies and programs of the International Union.

(e) Conferences shall be called into formal session as determined by the Executive Board of such Conference or as directed by the General President.

(f) Regional Conferences shall be subject to the same supervision, control and disciplinary measures as other subordinate bodies of the International Union.

(g) Minutes shall be made and preserved of all action taken at the formal Conference, at the conclusion of which a copy thereof shall be forwarded to the General Executive Board, through the General Secretary-Treasurer.

## **MEETINGS**

**Sec. 219.** No member shall be permitted to use recording devices during any portion of any meeting in the International Union.

## **AGREEMENTS AND WORK RULES**

**Sec. 220.** District Councils and unaffiliated Local Unions shall, wherever possible, make agreements with employers governing the hours of work, scale of wages, and all other matters that are in the interest of the members; but no District Council

or Local Union shall make any law or sign any agreement specifying that members of the International Union shall work only for members of employers' or contractors' associations or similar combinations.

**Sec. 221.** (a) Except as noted in sub-section (b), a District Council or unaffiliated Local Union shall enter into Collective Bargaining Agreements only with contractors or employers, whose principal place of business is located within the geographic jurisdiction of such District Council or Local Union, and shall not negotiate or enter into agreements with any out-of-town or out-of-jurisdiction contractors or employers.

(b) A District Council or unaffiliated Local Union may enter into an agreement with an out-of-jurisdiction contractor or employer under the following conditions:

The District Council or unaffiliated Local Union must receive prior written approval from the Office of the General President.

The agreement contains the International Union's mandatory out-of-jurisdiction clause as set forth in Section 224; and

The District Council or unaffiliated Local Union immediately, in writing, sends to the District Council or Local Union in whose jurisdiction the employer's principal place of business is located, notification that the agreement has been signed and a complete, signed copy of that agreement.

### **Labor Day**

**Sec. 222.** (a) All District Councils and Local Unions shall observe the first Monday in September as Labor's holiday. All members shall be restrained from working on this day.

(b) The Sunday preceding Labor Day, of each year, shall be set aside as Memorial Sunday, in tribute to those Brothers and Sisters who have passed away.



**Mandatory Clauses: The Provisions Set Forth in Sections 223, 224, 225, 226, 227, 228, 229, 230 and 231 Apply to All Collective Bargaining Agreements Within the Jurisdiction of the International Union.**

**Sec. 223.** Except as otherwise specified in the General Constitution, it shall be the duty of all District Councils and unaffiliated Local Unions to make a maximum effort to include in any collective bargaining agreement that they enter into with a contractor or employer the following clause: "The contractor or the employer party to this agreement, when engaged in work outside the geographical jurisdiction of the Union party to this agreement, shall employ not less than fifty percent (50%) of the workers employed on such work from the residents of the area where the work is performed or from among persons who are employed the greater percentage of their time in such area."

**Sec. 224.** District Councils and unaffiliated Local Unions shall include in each of their collective bargaining agreements the following clause: "The Employer party hereto shall, when engaged in work outside the geographic jurisdiction of the Union party to the agreement, comply with all of the lawful clauses of the collective bargaining agreement in effect in said other geographic jurisdiction and executed by the employers of the industry and the IUPAT affiliated union in that jurisdiction, including but not limited to, the wages, hours, working conditions, fringe benefits, and procedure for settlement of grievances set forth therein; provided however, that where no affiliated union has an agreement covering such out-of-area work, the Employer shall perform such work in accordance with this agreement; and provided further that employees from within the geographic jurisdiction of the Union party to this agreement who work in an outside jurisdiction at the Employer's request (but not employees who travel to the jurisdiction to seek work or who respond to a

job alert issued by the IUPAT) shall receive

(a) contributions to their home benefit funds at the rate called for in their home agreement and (b) (i) wages equal to the higher economic package minus the amount of contributions paid under (a), or (ii) wages equal to their home wages and a contribution to a defined contribution retirement plan equal to [the higher economic package] minus [the amount of contributions paid under (a) plus the home wages]. This provision is enforceable by the union in whose jurisdiction the work is being performed, either through the procedure for settlement of grievances set forth in its applicable collective bargaining agreement or through the courts, and is also enforceable by the Union party to this agreement, either through the procedure for settlement of grievances set forth in this agreement or through the courts. On a monthly basis, the Employer shall provide the affiliated Union in whose area the work is performed with documentation that it has made fringe benefit contributions to the home funds for all employees brought into the jurisdiction by the Employer.”

**Sec. 225.** District Councils and unaffiliated Local Unions shall make a maximum effort to include in each of their collective bargaining agreements the following clause:

### **“Preservation of Work Clause”**

**Section 1.** To protect and preserve, for the employees covered by this agreement, all work they have performed and all work covered by this agreement, and to prevent any device or subterfuge to avoid the protection and preservation of such work, it is agreed as follows: If the Employer performs on-site construction work of the type covered by this agreement, under its own name or the name of another, as a corporation, company, partnership, or other business entity, including a joint venture, wherein the Employer, through its officers, directors, partners,

owners, or stockholders, exercises directly or indirectly (through family members or otherwise), management, control, or majority ownership, the terms and conditions of this agreement shall be applicable to all such work.

**Section 2.** All charges of violations of Section 1 of this Article shall be considered as a dispute and shall be processed in accordance with the provisions of this agreement on the handling of grievances and the final and binding resolution of disputes. As a remedy for violations of this Article, the Joint Trade Board or Arbitrator shall be able, at the request of the Union, to require an Employer to pay 1) to affected employees covered by this agreement, including registered applicants for employment, the equivalent of wages those employees have lost because of the violations, and 2) into the affected Joint Trust Funds to which this agreement requires contributions any delinquent contributions that resulted from the violations. The Joint Trade Board or Arbitrator shall be able also to provide any other appropriate remedies, whether provided by law or this agreement. The Union shall enforce a decision of the Joint Trade Board or Arbitrator under this Article only through arbitral, judicial, or governmental, for example, the National Labor Relations Board channels.

**Section 3.** If, after an Employer has violated this Article, the Union and/or the Trustees of one or more Joint Trust Funds to which this agreement requires contributions institute legal action to enforce an award by an Arbitrator or the Joint Trade Board remedying such violation, or defend an action that seeks to vacate such award, the Employer shall pay any accountants' and/or attorneys' fees incurred by the Union and/or the Joint Trust Funds, plus costs of the litigation, that have resulted from such legal action. This section does not affect other remedies, whether provided by law or this Article that may be available to the Union and/or the Joint Trust Funds."

**Sec. 226.** District Councils and unaffiliated Local Unions shall make a maximum effort to include in each of their collective bargaining agreements the following clause: “Employees covered by this agreement shall have the right to respect any legal primary picket line validly established by any bona fide labor organization, and the Union party to this agreement has the right to withdraw employees covered by this agreement whenever the employer party to the agreement is involved in a legitimate primary labor dispute with any bona fide labor organization.”

**Sec. 227.** (a) All District Councils and unaffiliated Local Unions shall establish in their collective bargaining agreements provisions for affiliation with the IUPAT Finishing Trades Institute (IUPAT-FTI), or any successor international training trust so designated by the General Executive Board, and further provide a minimum contribution of ten cents (\$0.10) per hour for each hour paid for each employee covered under the said collective bargaining agreement to such fund.

**Sec. 228.** All District Councils and unaffiliated Local Unions shall include in their collective bargaining agreements provision for contractors/employers to contribute to the Finishing Industries Labor Management Partnership (“LMP”) or any successor international labor-management trust so designated by the General Executive Board a minimum of ten cents (\$0.10) for each hour or portion thereof for which an employee receives pay.

### **Central Collection System**

**Sec. 229.** District Councils and unaffiliated Local Unions shall make a maximum effort to include in each of their collective bargaining agreements the following clause: “The Employer, shall, with respect to any and all contributions or other amount that may be due and owing to the IUPAT and its related or affiliated Funds or organizations, including, but not limited to, the

IUPAT Industry Pension Plan, the IUPAT Industry Annuity Plan, the IUPAT Finishing Trades Institute (IUPAT-FTI), the Finishing Industries Labor Management Partnership, the IUPAT Political Action Together (and any and all other affiliated International organizations as they may be created or established in the future), upon receipt of a written directive to do so by the affiliated Funds and organizations, make all required payments, either directly or through an intermediate body, to the ‘Central Collections’ Unit of the International Union and its affiliated Funds and organizations. Such contribution shall be submitted on appropriate forms, in such format and with such information as may be agreed to by Central Collections.”

### **Top Workplace Performance**

**Sec. 230.** Provided it does not conflict with any federal, state or provincial law, District Councils and unaffiliated Local Unions shall make a maximum effort to include in each of their collective bargaining agreements the following clause. The clause should be added in the collective bargaining agreement under hiring procedures or hiring hall clause. This clause shall be enforced in accordance with the Top Workplace Performance Plan as outlined by the International Union as amended from time to time and it shall read as follows:

(a) Should any person referred for employment be terminated for cause, his or her referral privileges shall be suspended for two weeks. Should the same individual be terminated for cause a second time within a twenty-four (24) month period, his or her hiring hall privileges shall be suspended for two months. Should the same individual be terminated for cause a third time within a twenty-four (24) month period, his or her referral privileges shall be suspended indefinitely.

(b) A termination shall not be considered as “for cause” for

purpose of this provision if the person referred for employment has filed a grievance challenging the propriety of his or her termination, unless and until the grievance is resolved in a manner that affirms the termination for cause. For the purpose of this provision, a decision of the District Council Joint Trade Board and/or an arbitrator shall be final and binding.

(c) The provisions in subsections (a) and (b) notwithstanding, a Termination Review Committee, composed of the members of the District Council Joint Trade Board [or, alternatively, if there is no Joint Board, “composed of two (2) members appointed by the Business Manager/Secretary-Treasurer of the District Council and two (2) members appointed by the Employer Association”] may, upon written request of the applicant, vacate or reduce the period of suspension should the Committee determine, following inquiry or investigation, in its sole and complete discretion, that equity requires such action.

**Sec. 231.** District Councils and unaffiliated Local Unions shall make a maximum effort to include in each of their collective bargaining agreements the following clause: A program shall be offered by the District Council (or Local Union) Apprenticeship Program for advanced or upgraded journeyman training for all journeymen working under this Agreement. Journeymen shall be required to take such courses in accordance with the following rules: [NOTE: The parties should negotiate on a local basis what rules apply to journeyman upgrade training.]

### **Pension Contributions as a Percentage of the Package**

**Sec. 232.** District Councils shall make a maximum effort to include in each of their collective bargaining agreements, the following clause:

Effective January 1, 2022, and each year thereafter, the Pension contribution called for in this Agreement shall increase by a

minimum of five percent (5%) of the total negotiated increase in wages and benefits for that year. Such increase will be rounded up to the nearest penny. The Union shall notify the employers of the new Pension rate each year.

For example: If the increase a District Council negotiates for the upcoming year is \$1.50 for industrial painting and \$1.00 for commercial, and the current Pension contribution rate is \$5.00 per hour, the contribution rate shall become \$ 5.08 for industrial because 5 percent of \$1.50 is seven-and-a half cents, and rounded up becomes \$.08 cents. The contribution for commercial will become \$ 5.05 because 5 percent of \$1.00 is .05 cents. The District Council could choose to make both Pension contribution rates \$5.08 in order to keep them uniform.

### **Submission to General President**

**Sec. 233.** (a) All collective bargaining agreements must be submitted to the General President. The General President shall review the agreement and notify the District Council and the General Executive Board if the agreement does not contain all mandatory clauses set forth above. The General Executive Board shall have authority to take any corrective action it deems necessary if it concludes that the District Council has not complied with its obligations under the mandatory clause articles of this Constitution.

(b) District Councils and unaffiliated Local Unions shall negotiate and ratify collective bargaining agreements setting forth the wages and working conditions. All collective bargaining agreements negotiated by a District Councils or an unaffiliated Local Union shall be subject to ratification through a referendum vote of the members working under the agreement. In every case the referendum vote shall be by a secret ballot conducted in the regular manner at a special meeting called for that purpose.

(c) The consideration or approval of collective bargaining agreements or wage rates by the General President or the General Executive Board shall not make the International a party to such collective bargaining agreement or wage rate if incorporated into an agreement unless the International Union, following specific authorization of its General Executive Board or its General President, becomes a party to and signs any such agreement. The International Union assumes no liability for breach of any agreement to which it is not an actual party.

(d) With each collective bargaining agreement submitted to the General President, the District Council or Local Union shall submit a list of names and addresses of all contractors/employers who are parties to the agreement. As each contractor/employer ceases being a party, and as each new contractor/employer is added as a party, to the agreement, the District Council or Local Union must promptly notify the General President.

### **CLEARANCE CARD LAWS**

**Sec. 234.** (a) A member in good standing wishing to leave the jurisdiction of his or her District Council must apply to the Business Manager/Secretary-Treasurer, or at the Business Manager/Secretary-Treasurer's option to the Local Union Financial Secretary for a clearance card. The member must pay up all arrearages and \$15.00 for the card. Five dollars (\$5.00) will be retained by the District Council or the Local Union, as the case may be, and \$10.00 shall be sent to the General Secretary-Treasurer. Notwithstanding anything in this Subsection, Life Members shall not be required to obtain clearance cards, but Life Members shall be required to register regularly with the District Council in the area where they are employed or where they are seeking employment.

(b) No Clearance Card shall be granted to a member wishing to deposit the Clearance within the same District Council unless



granted an exception by the Business Manager/Secretary-Treasurer.

(c) A member of market recovery or maintenance local union (as designated by the Business Manager/Secretary-Treasurer) shall not be eligible for a Clearance Card for a period of three (3) years from the date of initiation, unless granted an exception by the Business Manager/Secretary-Treasurer.

(d) No clearance card may be issued until the person requesting same has been a member of the International Union at least one (1) month since his or her latest initiation date, unless an exception is granted by the General Executive Board.

(e) A District Council or Local Union Officer or Business representative to whom a clearance card is issued shall, automatically be removed from office.

**Sec. 235.** No officer shall issue a clearance card to himself or herself or to any member against whom charges are pending, and no card so issued shall be accepted.

**Sec. 236.** District Councils and Local Unions shall use only the official clearance card issued by the International Union.

**Sec. 237.** (a) When a member has paid Local Union dues in advance of the month in which the card is issued, the member shall be credited with the proper amount on the space provided on the card and the amount shall, upon application, be forwarded to the Financial Secretary of the Local Union accepting the card.

(b) If a Local Union fails to forward dues within 30 days after being notified to do so through the General Office, the amount due shall be charged to the account of said Local Union on the books of the International Union and the General Secretary-Treasurer shall forward the amount to the Local Union to which it is due.

**Sec. 238.** (a) Before issuing a clearance card, the Business Manager/Secretary-Treasurer shall require the member to pay

regular monthly Local Union dues for the month in which the card is issued and the Local Union receiving the card shall collect dues and pay per capita tax for the month in which the card expires.

(b) A member who receives a clearance card remains a member of the Local Union affiliated with the issuing District Council until the last day of the month in which the card is issued (unless the card is deposited in that month), and becomes a member of the Local Union wherein the member deposits the card the month in which the card is deposited. Local Unions in which cards are deposited shall not be required to pay per capita tax upon members whose cards are deposited in month of issue.

**Sec. 239.** A member is only entitled to sick benefits prescribed in the bylaws of the Local Union in which the card is deposited.

**Sec. 240.** A member carrying a clearance card shall deposit it in some Local Union before the expiration of 30 days from date of issue.

**Sec. 241.** A member cannot deposit Clearance Card into a Local Union while a Strike or Lockout is occurring.

**Sec. 242.** Members shall promptly deposit their clearance card in the Local Union before commencing work in the area.

**Sec. 243.** (a) No clearance card shall be required of a member leaving the jurisdiction of a District Council to work for his or her home employer; but the member shall be required to notify the Business Manager/Secretary-Treasurer of his or her District Council, in person or in writing, of his or her so leaving, and returning.

(b) A member when so working cannot be compelled to take out a clearance card, but he or she must register his or her name with the Business Manager/Secretary-Treasurer of the District Council in which he or she is working before starting to work.

**Sec. 244.** (a) When a member of one District Council works for his or her home employer within the jurisdiction of another District Council, and the bylaws of that other District Council make provision for administrative dues, the member shall pay to the other District Council the amount of administrative dues called for by that District Council's bylaws. While so employed, the member shall not be required to pay any other dues to the District Council or Local Union in whose jurisdiction the member is working.

(b) When a member of one District Council works for his or her home employer within the jurisdiction of another District Council, and the bylaws of that District Council make no provision for administrative dues, the member while so employed shall pay to the other District Council or Local Union an amount equal to the current dues and assessments called for by that other organization's bylaws. This obligation shall commence after the expiration of 60 days following the beginning of the member's work in that other jurisdiction.

**Sec. 245.** No District Council or Local Union shall refuse to accept a clearance card of any traveling member in search of employment or employed, providing the clearance card is properly filled out and is signed and sealed in accordance with the Constitution, except in localities where strikes or lockouts exist; provided, however, that District Councils shall have the authority to refuse to accept clearance cards for a period of not more than 30 days after the conclusion of a general strike or lockout in the locality. This does not apply to shop strikes.

**Sec. 246.** As soon as a traveling member deposits his or her clearance card, he or she shall fill out a beneficiary card. The member will receive the District Council working card provided he or she pays the dues and assessments paid by all members of that District Council.

## **LEAVE OF ABSENCE CARD**

**Sec. 247.** Trade Show and Resilient Floor Covers members who have been in continuous good standing for a period of (1) year or more, who accept employment at the trade in areas not covered by an IUPAT collective bargaining agreement and who have all dues, assessments and other indebtedness paid up to and including the month of leaving the territorial jurisdiction of the International Union, shall be granted a “leave of absence card” upon request.

A charge of \$5.00 shall be made for the issuance of the “leave of absence card.”

Members holding a “leave of absence card” shall not be required to pay dues and assessments nor be entitled to any rights, privileges or benefits of the International Union during such “leave of absence” and shall not be permitted to work at any branch of the trade in areas covered by an IUPAT collective bargaining agreement while holding such “leave of absence card.”

A member who returns to employment in areas covered by an IUPAT collective bargaining agreement in holding a “leave of absence” card and who deposits such card with the Local Union granting it, shall be readmitted without payment of any Administrative Processing Fee. Such member shall pay dues and assessments for the current quarter, plus a \$5.00 charge for deposit of the “leave of absence” card. Upon deposit of a “leave of absence card” a member shall be given credit for that period of membership during which he or she was in good standing prior to receiving the card for the purpose of determining all rights privileges and benefits of the International Union. Each year the member holds the Leave of Absence Card he or she shall contact their Local Union and pay a \$5.00 extension fee for the Card. If no contact is made and said fee is not paid, the member will be dropped from the rolls of the Local Union and District Council.

## **ARMED SERVICES CARD**

**Sec. 248.** (a) Members and apprentices who enlist or are inducted or are called up from Reserve or National Guard units to serve as members of any branch of the armed services of the United States or Canada and who have all dues and assessments paid, including those for the month of induction or enlistment, shall be granted an “armed services card” upon their request, which will entitle the holder thereof to certain privileges and dispensations outlined in the following paragraphs. The “armed services card” shall not be issued, nor is it valid, to those members or apprentices who enlist for a six (6) months’ period or who re-enlist.

(b) The legal holder of an “armed services card” will not pay any dues and assessments to his or her Local Union during the period of active service in the armed forces. He or she shall be granted 60 days to return to his or her Local Union after his or her honorable discharge and shall within said 60-day period, deposit his or her “armed services card” with the Financial Secretary of the Local Union in which he or she was affiliated at the time of his or her induction or enlistment. He or she shall not be required to pay any re-affiliation fee or fee of any type. He or she shall only be required to pay dues and assessments beginning with the month in which the card is deposited.

(c) The Local Union with which said card holder is affiliated will not make any payments to the General Office on such card holders for the same period that the member is exempt from paying dues and assessments. The past membership record of said holder of an “armed services card” shall be maintained under procedures established by the General Secretary-Treasurer. The names of said card holders will appear on the monthly activity statement printout and on the Union’s active membership rolls while said card holder is in the armed services.

(d) The prior good standing record, but not the service record, of a holder of an “armed services card” shall be used in computing eligibility for office under Section 155(a) and Section 210(a) of the Constitution.

The holder of an “armed services card” shall not be eligible for benefits from the International Union during the time such card is held.

(e) A wallet-sized identification card shall be issued to the member who enters the armed services. This card will be issued only by the General Secretary-Treasurer upon the General Secretary-Treasurer’s receipt of a written request from the member’s Local Union.

## **STRIKE AND LOCKOUT LAW**

**Sec. 249.** Where District Councils exist, strikes and lockouts shall be under their supervision. They shall, however, be governed by the provisions of this Constitution.

**Sec. 250.** When a District Council or Local Union decides to arbitrate questions in dispute in a strike or lockout, no proposition to lengthen the hours of labor shall be considered.

**Sec. 251.** A strike may only be called by a majority vote of the involved members present at a special called meeting called for that purpose after the best practicable notice that the Business Manager/Secretary-Treasurer determines is possible given the circumstances precipitating the call for a strike vote. In all such cases, the Business Manager/Secretary-Treasurer shall, at once, transmit a detailed account of the circumstances leading to the vote and a report of the vote taken to the General Secretary-Treasurer, who shall immediately notify the General Executive Board.

**Sec. 252.** (a) In no case shall a District Council or an unaffiliated Local Union take any strike action or contract ratifi-

cation action until all affected members in good standing have been duly notified. It shall be the duty of the Business Manager/Secretary-Treasurer or the Business Manager to give the affected members reasonable notice of any such action.

(b) In the event of a strike in support of collective bargaining demands, members who are required by the language of the applicable collective bargaining agreement to continue to work during the strike and who will be eligible to vote on ratification of the agreement being negotiated, shall each be assessed an amount equal to two hours (2) wages per day worked.

### **CHARGES, TRIALS, APPEALS AND DISCIPLINARY ACTION**

**Sec. 253.** (a) All charges, trials, appeals, formal hearings and disciplinary action shall be governed by provisions of Sections 253-281 inclusive, unless otherwise provided for in this Constitution.

(b) If a specific problem of procedure presents itself for which there is no provision in this Constitution, then the General President, with the approval of the General Executive Board, or the General Executive Board, may formulate an appropriate rule, and such rule shall govern the situation.

**Sec. 254.** (a) Jurisdiction over matters referred to in Sections 253-281 inclusive, shall consist of "original jurisdiction" and "appellate jurisdiction."

### **Original Jurisdiction of District Councils**

**Sec. 255.** (a) District Councils shall have original jurisdiction to hear and try charges filed against any member or officer of any Local Union affiliated with that District Council. They shall also have jurisdiction to hear and determine grievances of members against Local Unions or of one Local Union against another Lo-

cal Union if both are affiliated with the same District Council.

(b) Unaffiliated Local Unions shall have original jurisdiction to hear and try charges filed against their members or officers.

### **Jurisdiction of the General Executive Board Over District Councils**

**Sec. 256.** Should one or more Local Unions feel aggrieved over the management of a District Council, they may file charges in writing with the General Executive Board, which shall have jurisdiction to hear same. A copy of such charges must be filed with the Business Manager/Secretary-Treasurer of the District Council. The procedure shall be consistent with the procedure for trials by the General Executive Board.

### **Authority of the General Executive Board to Take Original Jurisdiction**

**Sec. 257.** The General Executive Board shall have the authority to exercise original jurisdiction in any case in which charges have been filed with a subordinate body or any case where in the opinion of the General Executive Board a violation of this Constitution may have occurred. The General Executive Board may, in its discretion, take original jurisdiction of such charges or the trial thereof, and may do so even though the case is pending or in the process of trial before a subordinate body. When the General Executive Board assumes such original jurisdiction, the jurisdiction of the subordinate body over the case shall terminate and the subordinate body shall transfer all of its records, documents, papers and vouchers then in its possession pertaining to said charges to the General Executive Board. The General Executive Board shall, whenever practicable, follow the procedure with respect to notice, time, date of hearing, and manner of service of notice of the charges/transfer of jurisdiction upon the ac-



cused, as is outlined in the following sections. Notwithstanding this provision, the General Executive Board shall be empowered, in its sole discretion, to develop special rules or procedures for the conduct or determination of a case that is within its jurisdiction when the General Executive Board believes that such special rules or procedures are required to permit a fair and reasonable determination of the case.

### **Emergency Authority of the General President to Conduct a Trial When Welfare of Organization Demands**

**Sec. 258.** Whenever charges of possible violation of this Constitution involving a member or members, or officer or officers of a District Council, Local Union or other subordinate body, or a subordinate body itself, create or involve, in the judgment of the General President, a situation imminently dangerous to the welfare or best interests of the District Council, Local Union, other subordinate body or this International Union, the General President is authorized, in his or her discretion, to assume original jurisdiction in such matter, even though such charges have been filed with another body and are pending. Under such circumstances, the General President may immediately suspend the person or subordinate body against whom charges have been preferred but, at the time of such suspension, the General President shall notify the party or parties charged to appear before him or her for a hearing at such place and such time as the General President shall fix. The General President shall accord such parties a minimum of four (4) days in which to appear. The General President may then proceed to hear and try the matter and render judgment in accordance with the facts and circumstances presented. When the General President has so acted, his or her judgment shall be final, subject, however, to an appeal to the General Executive Board and from the Gen-

eral Executive Board to the Convention, in the same manner as provided for appeals in other cases. But, pending appeal from the General President's decision, his or her decision shall stand and be enforced. If suspension of a Local Union or other subordinate body is deemed advisable by the General President, he or she may appoint a Trustee who shall have the same power as is specified under Section 50 of this Constitution. Notwithstanding any provision set forth herein, the General President shall be empowered, in his or her sole discretion, to develop special rules or procedures for the conduct or determination of a case that is within the General President's jurisdiction when the General President believes that such special rules or procedures are required to permit a fair and reasonable determination of the case.

### **Trials and Hearings Conducted by Representatives**

**Sec. 259.** In all hearings, trials and other matters which are to be decided and acted upon by the General President or the General Executive Board, the conduct of the hearing and the taking of evidence may be performed by a member or officer of the International Union duly appointed to act in the matter. At the conclusion of the trial or hearing, such representative shall make a summary of the evidence and report his or her findings and conclusions to the General President or the General Executive Board, whoever appointed the representative, and the decision in the case shall be made by the General President or the General Executive Board. In all cases on appeal to the General Executive Board, a competent person may be deputized to summarize and brief the record in the case for submission to the General Executive Board, a copy being prepared for each member of the Board. The entire record on appeal shall be available to the General Executive Board.

## **Basis of Charges**

**Sec. 260.** The basis for charges against members, Local Unions, District Councils, Regional Conferences or any other subordinate body of the International Union may, among other things, consist of the following:

(1) Violation of any provision of the Constitution or of any rule or regulation promulgated by the General Executive Board.

(2) Violation of the oath of membership or of provisions in the ritual of this International.

(3) Violation of the oath of office.

(4) Disloyalty to the International Union.

(5) Conduct unbecoming to a member or officer of this International Union.

(6) If an officer: neglect, inefficiency or incompetence in the performance of the officer's duties; failure to advance and promote the interests of the members of the International by performing acts detrimental to such interests of the International.

(7) If an officer: utilizing the officer's official position to engage in enterprises, which are inimical to the welfare of this organization and contrary to good morals and sound trade union principles. The General Executive Board shall be authorized to determine what activities are in contravention of good morals and sound trade union principles, and its judgment in that respect shall be final.

(8) Misappropriation, embezzlement, improper handling of Union funds, misuse of Union funds, tampering with or altering Union financial records so as to falsify same; altering or tampering with membership records or making false official reports, or failure to account for receipts and disbursements to the membership and to the International Union.

(9) Fostering secession; engaging in, advocating or encouraging dual unionism or engaging in subversive activities as pre-

scribed in Section 89 of this Constitution or destroying peace and harmony within the Local Unions.

(10) Libeling, slandering, or in any other manner abusing fellow members, officers of subordinate bodies, or the General Executive Board or the General Officers of the International Union.

(11) Abusing fellow members or officers in the meeting hall, or disrupting Union meetings.

(12) Violation of the trade union rules promulgated in accordance with the Constitution of this International Union; or violation of trade union rules of the locality in which a member is working.

(13) Engaging in any activities which tend to bring any subordinate body of this International Union or the International itself into disrepute, or which tend to reflect upon its good name, standing and reputation.

(14) Violation of orders issued by representatives acting under the direction of the General President or of the General Executive Board. (The orders of such representatives shall have the same force and effect upon members, officers and subordinate bodies as though issued by the authority appointing such representatives. Such orders must be obeyed immediately upon their issuance. If any party is aggrieved by such order, that party may bring the matter to the attention of the officer or body under whom the representative is acting, and obtain summary review of the order; but pending any such review, the order of the representative shall stand and be in full force and effect.)

(15) And for such other acts and conduct which shall be considered inconsistent with the duties, obligations and loyalty of a member, officer or subordinate body of this International Union.

### **Charges, Trials and Appeals of General Officers**

**Sec. 261.** (a) Any General Officer of the International who

violates the Constitution or who is negligent in the performance of his or her duties, may be charged and tried, when such charges are preferred by motion of any District Council, Local Union or other subordinate body, seconded by ten (10) Local Unions, no two (2) from the same state or province. If, after an impartial trial by the General Executive Board, a General Officer is found guilty by that body, he or she shall be appropriately disciplined.

(b) If the officer or the officers charged, or the Union or Unions or District Council that preferred the charges, are not satisfied with the result of the trial, they may appeal to the General Convention through the General Secretary-Treasurer and the decision of the General Convention shall be final.

### **Trial and Appeal Boards**

**Sec. 262.** (a) The Trial Board of an unaffiliated Local Union shall be the members of its Executive Board other than the Business Manager or Business Representative(s). If any member of the Trial Board is a directly interested party to the proceedings, that member shall refrain from sitting on the Trial Board. In that event, the President shall appoint a disinterested member to sit on the Trial Board.

(b) The Trial Board of a District Council shall be appointed from the members of its Executive Board by the President. Where the trials are held under the jurisdiction of a District Council, Trial Board members may be selected from the duly elected delegates comprising said Council, providing such procedure is established through adoption of appropriate bylaws. The Trial Board shall consist of an odd number of members between five and nine.

(c) If any member of such Trial Body Board is a directly interested party to the proceedings, that member shall refrain from sitting on the Trial Board. In that event, the President shall ap-

point a disinterested delegate to sit on the Trial. If the President is disqualified as an interested party, his or her place shall be taken by the Vice-President who shall then make whatever appointments of disinterested delegates as are necessary and in the event the Vice-President is also disqualified, the Trustee Chairperson shall make appointments. In the event the President, the Vice-President and the Trustee Chairperson are all disqualified, the delegates shall elect disinterested members to fill any vacancies caused by disqualifications.

(d) In District Council Trial Boards, the Presiding Officer shall be the District Council Business Manager/Secretary-Treasurer or another member designated by the Business Manager/Secretary-Treasurer. In unaffiliated Local Union Trial Boards, the Presiding Officer shall be the Local Union President or another member designated by the President.

### **Procedure for Conduct of Trials**

**Sec. 263.** (a) When original jurisdiction is exercised by any Trial Body, the procedure unless otherwise specifically provided in this Constitution, and except as permitted under Sections 257-258, shall be as follows: Charges must be filed within a reasonable time after the occurrence of the alleged violation or its occurrence became known or should have been known. The party preferring the charges shall present them in writing, in duplicate, and file them with the Secretary of the Trial Body (who shall be the Recording Secretary in the case of unaffiliated Local Unions, the Business Manager/Secretary-Treasurer in the case of District Councils and the General Secretary-Treasurer in the case of the General Executive Board). Such charges shall be sufficiently explicit as to reasonably inform the accused of the nature of the accusations against him or her. Such Secretary shall promptly forward a copy of the same, by registered or

certified mail, to the party charged, together with a notice of the date, time and place of hearing, such date not to be less than 14 days or more than 60 days after the charges have been mailed. At the same time the Secretary shall also send by mail, a notice of the date, time and place of the hearing, to the party preferring the charges.

(b) When original jurisdiction is exercised by the General Executive Board under Section 256, or by the General President under Section 257, the notice of the date, time and place of hearing may be given by the Hearing Officer appointed to conduct the Trial under Section 259; and, unless otherwise specified by the General Executive Board or the General President pursuant to Sections 257-258, the hearing shall take place not less than 14 days nor more than 60 days after the charges have been mailed to the charged party by the General Secretary-Treasurer for the General Executive Board, or by the General President, as the case may be.

**Sec. 264.** (a) The party charged may file a written statement explaining or opposing the charges. However, failure to file such written statement shall not deny such party the right to appear at the hearing and defend.

(b) The parties to the proceeding may appear at the hearing personally and with witnesses. Any person who can give evidence concerning the charges can be called as a witness regardless of whether the person is a member or not. Each party shall have the right to select a member of the Union to act as counsel in the case. The member selected as counsel shall not be a lawyer. If the member is a lawyer he or she shall be ineligible to represent the party charged. The Trial Board may, however, in its discretion, permit the accused to be represented by a lawyer but, when the accused does so, the other side will have the same right. However, it is the intention of this International Union to discourage

the appearance of lawyers in these hearings, and court and legal formality shall not control the proceedings. The Trial Board may, if it deems advisable, exclude all other witnesses from the hearing room while a witness is testifying, except the parties directly interested and their counsel.

**Sec. 265.** (a) In the matter of trials, appeals and other hearings, it shall not be necessary to maintain a stenographic record unless request for the same is made by any party to the proceedings; if such request is made, the party making it shall furnish a competent reporter at his or her expense, and three (3) copies of the transcript shall be prepared, so that each party and the Trial Body may have one (1) within ten (10) days after the conclusion of trial or appeal. The expense of all copies shall be borne by the party requesting the stenographic record. The reporter shall attach an affidavit to the transcript stating that the same is a true and accurate transcript of the evidence taken at such trial or hearing. If a stenographic record of the hearing is not taken, the Presiding Officer of the trial body shall arrange for the keeping of notes concerning the testimony of the witnesses and the evidence produced by the parties so that on appeal the appellate body will be able to determine what evidence each party submitted in his or her behalf. No member shall be allowed to use any recording device during a Trial Board proceeding.

(b) At the conclusion of any trial, appeal or hearing, a decision shall be rendered by a majority of the members of the trial or appeal board. If the decision is not complete, the appellate body may request a more comprehensive decision, so that the appellate body may intelligently understand the points decided.

(c) Every decision of a trial or appellate body shall be reduced to writing and a copy thereof furnished to each party.

**Sec. 266.** (a) All the proceedings below, including the charges, transcript of summary evidence (or stenographic record) and Tri-



al Board decision, in accordance with the foregoing sections, of the trial or appellate bodies, must be forwarded, duly attested by the Secretary of such trial or appellate body, to the General Secretary-Treasurer, who shall file the same for future reference. The Local Union and the correct first and last names of each party must be furnished to the General Office with all correspondence relative to trials, appeals and penalties.

(b) The findings and conclusions of the Trial Board of the Local Union or other subordinate body shall be conclusive on such subordinate body and shall not be subject to review by such subordinate body. Such findings and conclusions can be reviewed only as specified in this Constitution.

### **Out-of-Area Members**

**Sec. 267.** When a member of one District Council (called the “home” District Council works in the jurisdiction of another District Council (called the “away” District Council), and is charged with a violation of the trade rules, bylaws, or the Constitution, the member shall be tried by the District Council in whose jurisdiction the offense was committed. If the member is found guilty and fined, the fine shall be paid to the District Council in whose jurisdiction the offense was committed. If the member is properly tried by the Trial Board of the away District Council, copies of the charges, notice of hearing, and decision that must be mailed to the member pursuant to Sections 263-265 shall be mailed to his home Local Union and District Council in the same manner and at the same time as they are mailed to the member. In any such case, the appeal shall be sent directly to the General Executive Board.

### **Failure to Appear**

**Sec. 268.** Failure on the part of any interested party to appear

in any trial, appeal or hearing, when an appearance is required before the tribunal which has the matter before it, at the time and place designated in the notice for appearance, shall constitute a waiver of appearance and defense, and the trial, appeal or hearing shall proceed in the absence of such party. No member may be found guilty, even if the member fails to appear, unless evidence proving the charge is presented to the Trial Board.

### **Charges Not Preferred in Good Faith**

**Sec. 269.** It shall be a violation of this Constitution for any member to prefer charges against another member if unsupported by substantial evidence and motivated by bad faith or malice. However, no member may be found guilty of violating this provision unless charges are separately preferred against the member on that ground and said charges are processed by the trial body in the normal fashion.

### **Decisions and Penalties**

**Sec. 270.** (a) Decisions and penalties imposed upon the members, officers, Local Unions, District Councils or other subordinate bodies found guilty of charges, may consist of reprimands, fines or other monetary penalty, suspensions, expulsions, removal from office or position, revocations of charters, or commands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine or command to pay or reimburse a sum of money, then same must be paid promptly pending an appeal if one is taken. The fine or other monetary penalty shall be paid to the treasurer of the union that conducted the trial.

(b) If the fine or other monetary penalty is assessed where the General Executive Board or General President has taken original jurisdiction, it shall be paid to the Treasury of the International

Union unless otherwise ordered by the General Executive Board or the General President, as the case may be.

(c) When such a penalty consists of a fine or other monetary penalty, and an appeal to the General Executive Board is taken, the obligation to pay such fine or other monetary penalty shall be stayed pending appeal to the General Executive Board. The General Executive Board shall have the authority to stay any non-monetary provision of the Trial Board's decision, but absent action by the General Executive Board, such provisions shall be effective pending appeal.

(d) When a decision is handed down by any trial or appellate body and an appeal is taken, such decision shall stand and remain in full force and effect until reversed by a higher body.

(e) In the event of noncompliance with a decision handed down by a trial or appellate body, the member, officer, District Council, Local Union or other subordinate body shall stand suspended from all privileges of the International Union until the provisions of the decision have been complied with.

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

**Sec. 271.** Any District Council, Local Union or other subordinate body refusing to enforce a decision of the General Executive Board, shall be suspended or have its charter revoked by the General Executive Board.

**Sec. 272.** An expelled member shall not be admitted again to membership in the International Union, except upon the written permission of the General Executive Board.

**Sec. 273.** In connection with organizing campaigns, the General Executive Board may forgive or reduce fines or other monetary penalties imposed by a Trial Board in both pending and closed cases.

## Specific Penalties

**Sec. 274.** Any officer or member who alters any financial account or record, or who alters the records of a meeting, shall be fined and expelled and shall not again be eligible to hold office, or position as delegate or committee member in any Union of the International.

**Sec. 275.** Any officer or member making false reports of tax, initiations or reinstatements to the General Secretary-Treasurer shall be disciplined. Any member who enters dues or other payments for himself or herself on an official dues receipt illegally, or issues himself or herself a clearance card, forging the name of the Financial Secretary in either case, the General Secretary-Treasurer with the approval of the General Executive Board, shall be empowered to annul the membership of such member, after proof of the act has been established.

**Sec. 276.** Any officer, delegate or committee member or member in any Union of the International who is guilty of embezzling, misappropriating, stealing or robbing Union funds or who erases, adds to or changes the amounts or the dates of payments of dues or other indebtedness, or falsifies information on claims for International Union Benefits on membership books, shall not be eligible to again hold office, or position as delegate or committee member in any Union of the International.

## Appeals

**Sec. 277.** (a) Any aggrieved party may take an appeal from a decision of a Trial Board.

(b) Appeals from the decisions of District Councils or unaffiliated Local Unions shall be taken to the General Executive Board. Appeals from the General Executive Board shall be taken to the General Convention.

(c) A General Convention shall not consider an appeal to it

unless received by the General Secretary-Treasurer within 30 days of the date the decision of the General Executive Board and unless any fine or monetary penalty ordered has been paid. Appeals received by the General Secretary-Treasurer less than 45 days prior to the opening day of the General Convention, may, in the discretion of the General Secretary-Treasurer be heard at the Convention or held over for consideration by the next General Convention.

**Sec. 278.** (a) Every appeal must be taken within 30 days from the date the decision of the lower tribunal is rendered. It shall be presented in writing and bear the original signature of the appellant (not an email, facsimile or copy). There shall be annexed to the appeal, a copy of the decision. A copy of the appeal shall be filed with the Secretary of the body to which the appeal is taken. Failure to take an appeal within the 30-day period shall be grounds for disallowing the appeal by the appellate body.

(b) Promptly upon receipt of Notice of Appeal, the Secretary of the body from which the appeal was taken shall prepare all of the papers and documents in the case which constitute the record, and shall forward the same to the Secretary of the body to which the appeal is taken.

(c) Each party to the appeal shall have 15 days in which to file, with the Secretary of the appellate body, a written statement and written argument in support of its contentions. The appellate body may then, at its convenience but without unnecessary delay, proceed to hear the appeal and decide it. The appellate body may hear the appeal on the record as presented; or it may permit the parties to appear and present oral argument; or it may hear the appeal by a retrial of the entire case. An appellate body may (with or without opinion) affirm or reverse the decision below, alter the penalty, or remand the case for further proceedings or alteration of penalty consistent with its direction or opinion.

## **Exhaustion of Remedies**

**Sec. 279.** Members or officers of District Councils and Local Unions or other subordinate bodies of this International Union and the officers, who may have controversies relating to Union affairs, or against whom charges have been preferred, or against whom disciplinary or adverse action has been taken, shall be obliged to exhaust all remedies provided for in this Constitution by the International Union before resorting to any other court or tribunal. Resort to court or other proceedings before exhausting all procedures and remedies provided for in this Constitution shall constitute a violation of the laws of this International and shall be subject to disciplinary action.

## **Improper Lawsuits**

**Sec. 280.** It shall be a violation of this Constitution for any member or officer of any subordinate body, or for any subordinate body, to bring a lawsuit in any Court or file charges or complaints with any administrative tribunal against any other member or officer of any subordinate body, or any subordinate body, or the International Union, the General Executive Board or any General Officer, in relation to any controversy relating to Union affairs where such lawsuits, charges or complaints are found to be without merit and are motivated by bad faith or malice or a desire to harass the defendant or charged party.

## **Costs, Fees Chargeable**

**Sec. 281.** When any member, officer or subordinate body, or the International Union, the General Executive Board, or a General Officer is obliged to bear the expense or costs of defending against a suit, charges, or complaints improperly brought within the meaning of Sections 279-280, the costs, expenses, and attorney fees incurred in such defense, shall be

chargeable to the member, officer or body responsible for such improper action.

### **UNION LABEL**

**Sec. 282.** The distribution and use of all Union Labels in the jurisdiction of the International Union shall be governed by rules and regulations adopted by the General Executive Board.

### **INTERNATIONAL UNION BENEFITS AND PROGRAMS ACCIDENTAL DEATH BENEFITS**

**Sec. 283.** The International Union shall maintain a program of Accidental Death Benefits in an amount of at least \$10,000.00 covering members in good standing where death results from a job site accident. The General Executive Board shall be empowered to establish rules governing the payment of this benefit and to review and, if appropriate and in the interests of the International Union and its membership, modify this benefit.

### **DEATH BENEFIT FUND**

**Sec. 284.** The International Union shall maintain a Death Benefit Fund to provide a benefit upon death in an amount not less than \$3,000.00 for every member in good standing, subject to such exceptions, conditions, terms and procedures as are set forth in Sections 281, 282 and 283 of the General Constitution issued January 1, 1975, and rules and regulations developed, amended from time to time, and published by the General Executive Board pursuant to and consistent with said Constitutional provisions.

### **PUBLICATION**

**Sec. 285.** The General Executive Board shall publish in a separate pamphlet, and distribute to the Local Unions, the ap-

plicable provisions of the January 1, 1975 General Constitution and rules and regulations issued by the General Executive Board governing the Death Benefit Fund. The pamphlet shall be made available to the members at each respective Local Union office.

## **IUPAT LOCAL UNION AND DISTRICT COUNCIL PENSION FUND**

**Sec. 286.** (a) Contributions by United States District Council and Local Unions to the IUPAT Industry Pension Fund:

(1) Each affiliated District Council and Local Union in the United States shall pay each month to the Trustees of the IUPAT Industry Pension Fund, pursuant to a Participation Agreement if required by such fund, an amount determined by the General Executive Board for each full-time Business Representative, Officer and Employee who is eligible for coverage under such Pension Fund. This contribution shall be a standing appropriation and shall not require a vote of the District Council delegates or Local Union members. The General Executive Board shall be empowered, between Conventions, to adjust the contribution rate(s) to the Fund when such action is consistent with the actuarial integrity of the Fund and the interests of Fund participants.

The contribution rate shall be separate and apart from and over and above any other amounts that may be contributed to the Fund or to another pension fund on behalf of such employees pursuant to collective bargaining agreements or as otherwise permitted pursuant to District Council or Local Union Bylaws.

(2) Each affiliated District Council and Local Union in the United States hereby designates as its representatives on the Board of Trustees on the IUPAT Industry Pension Fund the Trustees duly appointed and empowered pursuant to provisions set forth in the Restated Agreement and Declaration of Trust of such Fund.



(3) Each affiliated District Council and Local Union in the United States hereby agrees to be bound by, and fully comply with, any and all provisions set forth in the Restated Agreement and Declaration of Trust, as amended from time to time, the Plan Document(s) adopted by the Board of Trustees and any and all rules and regulations that may, from time to time, be adopted and approved by the Board of Trustees of the IUPAT Industry Pension Fund.

(b) Pension contributions by Canadian District Councils and Local Unions:

(1) The International Union shall maintain a pension fund or funds for full-time Business Representatives, officers and employees of all affiliated District Councils and Local Unions in Canada who are eligible for coverage under such Pension Fund.

(2) Each eligible District Council and Local Union shall pay each month to the Trustees of such pension fund an amount determined by the General Executive Board. The General Executive Board shall be empowered between Conventions, to adjust the contribution rate(s) to the Fund when such action is consistent with the actuarial integrity of the Fund and the interests of Fund participants. The contribution rate set forth above, or such rate(s) as may from time to time be determined by the General Executive Board, shall be separate and apart from and over and above any other amounts that may be contributed to the Fund or to other pension funds on behalf of such employees pursuant to District Council and Local Union Bylaws.

(3) The Trustees of the Pension Fund shall be appointed by the General President with the approval of the General Executive Board.

(4) The Trustees of the Pension Fund shall be empowered to merge and/or consolidate the Pension Fund with an IUPAT Industry Pension Fund (Canada) if, in their discretion, such action will be in the interests of Fund participants.”

## **ORGANIZING FUND**

**Sec. 287.** (a) The General Secretary-Treasurer shall establish an Organizing Fund, and operate such fund in accordance with this section.

(b) The International Union shall allocate funds to the Organizing Fund in such amounts as the General Executive Board shall determine are necessary to adequately fund the Union's organizing efforts.

(c) All monies in the Organizing Fund shall be maintained in liquid, interest bearing accounts or instruments.

(d) A District Council or unaffiliated Local Union shall be eligible to receive assistance from the Organizing Fund if it satisfies criteria established by the General President.

(e) The monies distributed to District Councils may only be used for purposes specified by General President.

(f) The General President shall have authority to use any undistributed monies in the Organizing Fund for organizing efforts conducted by the International Union or its affiliates.



# **PARLIAMENTARY RULES AND RITUAL**



## PARLIAMENTARY RULES AND RITUAL

**Rule 1.** All questions of a parliamentary nature not provided for in these rules shall be decided by Roberts' Rules of Order.

**Rule 2.** All resolutions and resignations must be submitted in writing.

**Rule 3.** Any conversation which is calculated to disturb a member while speaking or hinder the transaction of business shall be deemed in violation of order.

**Rule 4.** On motion, the regular order of business (see page 2 of cover) may be suspended by a majority vote of the meeting at any time to dispose of any urgent business.

### Motions

**Rule 5.** A motion to be entertained by the Presiding Officer must be seconded and the mover and seconder must rise and be recognized by the Chair.

**Rule 6.** In presenting a motion a brief statement of its objects may be made, but no discussion of its merits shall be permitted until the question has been stated by the Chair.

**Rule 7.** A member who has made a motion can withdraw it by consent of his second, providing it has not been debated. A motion once debated can be withdrawn only by unanimous consent.

**Rule 8.** A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

**Rule 9.** Any member may call for a division of a question when the sense will admit thereof.

### Debate

**Rule 10.** A motion shall not be subject to debate until it has been stated by the Chair.

**Rule 11.** When a member wishes the floor the member shall rise and respectfully address the Chair, and, if recognized by the Chair, the member shall be entitled to the floor.

**Rule 12.** If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

**Rule 13.** Each member when speaking shall confine him or herself to the question under debate and avoid all personal, indecorous or sarcastic language.

**Rule 14.** No member shall interrupt another while speaking, except to a point of order and the member shall definitely state the point and the Chair shall decide the same without debate.

**Rule 15.** If a member while speaking is called to order the member shall take his or her seat until the point is decided, when, if decided in order, the member may proceed.

**Rule 16.** If any member shall feel himself or herself personally aggrieved by a decision of the Chair, the member may appeal to the District Council, Local Union or other subordinate body from the decision.

**Rule 17.** When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chair to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member will then have the right to state the grounds of the appeal, and the Chair will give the reason for his or her decision; thereupon the District Council, Local Union or other subordinate body shall proceed to vote on the appeal without further debate.

**Rule 18.** No member shall speak more than once on the same subject until all members desiring the floor shall have spoken, or more than twice without unanimous consent, nor more than five minutes at any one time.

**Rule 19.** The presiding officer shall vacate the chair when

desiring to speak on any subject and the Vice President shall take the chair.

### **Privileged Questions**

**Rule 20.** When a question is before the meeting no motion shall be in order except: (1) To adjourn; (2) to lay on the table; (3) For the previous question; (4) To postpone to a given time; (5) To refer or recommit; (6) To amend; and these motions shall have precedence in the order herein arranged.

**Rule 21.** The following motions are not debatable: (1) To adjourn; (2) To lay on the table; (3) To read a paper or document.

**Rule 22.** When the previous question is moved and seconded it shall be put in this form: "Shall the main question now be put?" If this is carried, all further motions, amendments and debate shall be excluded and the question put without delay.

**Rule 23.** If a question has been amended, the question on the amendment shall be put first. If more than one amendment has been offered the question shall then be put as follows: (1) Amendment to the amendment; (2) Amendment; (3) Original proposition.

**Rule 24.** When a question is postponed indefinitely, it shall come up again only by unanimous consent.

**Rule 25.** A motion to adjourn shall always be in order except (1) When a motion is before the house; (2) When a member has the floor; (3) When the members are voting; (4) When it has been decided to take the previous question.

### **Taking the Vote**

**Rule 26.** Before putting a question to a vote, the Presiding Officer shall ask: "Is the Union ready for the question?" Then it shall be open for debate. If no member rises to speak, the Presiding Officer shall then put the question. After the vote has been taken the



Presiding Officer shall immediately announce the result.

**Rule 27.** When the Presiding Officer has commenced taking a vote no further debate or remarks shall be allowed unless a mistake has been made in which case the mistake shall be rectified, and the Presiding Officer shall commence taking the vote.

**Rule 28.** Before the Presiding Officer declares the vote on a question, any member may ask for a division of the house; then the Chair is duty bound to comply with the request, and a standing vote shall be taken.

**Rule 29.** Every member present shall vote on all questions before the Union, unless personally interested or excused by the Union.

**Rule 30.** When a blank is to be filled, the question shall be taken first upon the largest sum or number, or the longest or latest time.

**Rule 31.** When a question has been decided it can be reconsidered only at the same meeting or on the next regular meeting night.

**Rule 32.** A motion to reconsider must be made and seconded by two members who voted with the majority.

## RITUAL

### 1. OPENING CEREMONY

(Immediately upon arrival of the hour of meeting, a quorum being present, the President shall call the meeting to order and a general silence be enforced.)

President—(One rap of the gavel)—“Brothers and Sisters, we are about to open this Local Union for the purpose of considering such measures as will tend to perpetuate our International Union, spread its principles, elevate our trade and advance our interests, individually and collectively. All non-members will please retire to the ante-room.”

### **Pledge to the Flag:**

President—Three raps on the gavel—“Please join me in the salute to the Flag”—(or “Canadian Salute”)

(After the salute is finished.)

President—“I now declare Local Union No open for the transaction of business as may legally come before it.” (One rap.)

### **Roll Call of the Officers:**

(If any officers are absent, the President shall make such appointments, pro tem, as may be necessary.)

## **2. INITIATION CEREMONY**

President—“Brother (Sister) Recording Secretary, are there any candidates in waiting—If so, report their names.”

(Secretary reports by reading pertinent data from each application and stating whether or not the candidate has completed the application and found to be qualified.)

President—“You have heard the qualifications of the candidates for initiation. I will entertain a motion for acceptance into Local Union No ”

(Upon motion being made and carried, the President continues.)

President—“Brother (Sister) Conductor, lead the candidate(s) in for initiation. Brothers and Sisters, preserve strict order during the ceremony of initiation.”

(The conductor leads in the candidate and halts him or her in front of the President.)

President—(Three raps)—“Fellow workers, previous to your initiation as a member of this International Union, it is necessary that you take an obligation that will bind you to this International and that will, in no wise, conflict with your religious belief or duties as a citizen. Are you willing?”

(Upon satisfactory answer being given.)

President—"The Preceptor will administer the obligation."  
(Conductor escorts candidate to the Preceptor's station.)

## **OBLIGATION**

**The highest ranking officer of the local union who is present or an attending International Representative may be asked, to preside over the ceremonies. The Candidates will stand at the front of the meeting in close proximity to the flag of the United States of America or Canada.**

I do now promise to keep the affairs of the International Union of Painters and Allied Trades strictly private, unless authorized to reveal the same.

I will abide by its laws, both general and local, and will use all honorable means to procure employment for brother or sister members. I will honor and abide our International Union's commitment to organizing the unorganized knowing that a high market share will result in a higher standard of living. I will support and participate in our Union's efforts and programs relating to organizing, training, education and support for other labor and work-related causes, including using my best efforts to buy union goods and services.

I will make all possible efforts to attend the meetings, read the Journal and make myself aware of the policies and programs of my District Council, my Local Union and this International.

I agree to pay all dues and assessments levied in accordance with the laws.

I will be obedient to authority, orderly in its meetings, respectful in words and actions, charitable in judgment of my brother or sister members and will never, from selfish motives, wrong a brother or sister, or see him or her wronged, if in my power to prevent it.

I will render full allegiance to this International Union and never consent to subordinate its interests to those of any other organization of which I am now or may, hereafter, become a member.

The officer conducting the ceremony will now direct the candidates with the following.

Brothers and/or Sisters raise your right hand and repeat after me the following obligation, using your name where I use mine.

I, \_\_\_\_\_, of my own free will do most solemnly promise and pledge, before God, upon my honor, that I will truly and faithfully agree to abide by the obligations that were read and become a member of the International Union of Painters and Allied Trades.

**Brothers and Sisters, welcome these new members and the future of our union.**

### 3. INSTALLATION OF OFFICERS

The President will direct the newly elected officers to take their places in front of the Preceptor.

Preceptor—(Three raps.)

Preceptor: “Brothers and Sisters, raise your right hand and repeat after me the following obligation, using your name where I use mine:”

“I, \_\_\_\_\_, do most solemnly promise, before God, upon my honor, that I will truly and faithfully, and to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and Laws of this International Union; and, as an officer of this Union, I will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.”

“I further promise that, at the close of my official term, I will promptly deliver all monies or property of this Union, in my possession, to my successor in office.”

Preceptor—(One rap.) Preceptor: “Brother and Sister officers, congratulations and best wishes in carrying out the duties of your respective offices.”

#### **4. CLOSING CEREMONY**

President—“There being no further business, we will proceed to close.” (Three raps.)

“Brothers and Sisters, you will all bear in mind your obligation. Help one another, strive to strengthen our International Union, and be careful not to divulge the private business of the Union.”

President: “And now, by virtue of my office, I now declare Local Union No. \_\_\_\_\_ of the IUPAT duly closed until our next session, when I hope to see all present who can possibly attend.” Brothers and Sisters, join me in giving the retiring sign. (One rap.)

## INDEX

TOPICS	SECTION	PAGE
<b>AGREEMENTS</b>		
Authority of District Council and BMST .....	124, 141, 79-80, 93-96, 220, 221	142-143, 143
Mandatory Clauses		
Central Collection .....	229	147-148
Fifty-Fifty .....	223	144
FTI Contribution .....	227	147
LMP Contribution .....	228	147
Out of Area .....	224	144-145
Preservation of Work .....	225	145
Primary Picket Lines .....	226	147
Top Workplace .....	230	148-149
Upgrade Training .....	231	149
National Agreements .....	66	49
Ratification .....	233(b)	150
<b>CLEARANCE CARD RULES</b>		
Armed Services Card .....	248	156-157
Leave of Absence Card .....	247	155
<b>CONSTITUTION</b>		
Amendment .....	80-83	55-57
Merger .....	84	57-59
<b>CONVENTION</b>		
Appeals .....	38	27-28
Committees .....	36	26-27
Delegates – Number .....	27-28	22

## INDEX

TOPICS	SECTION	PAGE
Delegates – Nomination and Election ....	29-33	23-25
Delegates – Expenses.....	34	26
Order of Business .....	39	28
Resolutions .....	37	27
Sessions.....	35	26
Special Convention .....	26	21-22
<b>DISTRICT COUNCILS</b>		
Affiliation with Local Unions .....	126	82-84
Bonding.....	60(b) & (c)	46-47
Business Representatives		
Duties .....	150	98-99
Number .....	141(d), 152(c)	94, 99-100
Removal.....	160	108
Bylaw .....	125	80-82
Charter .....	122	79
Disaffiliation .....	130(b)	87
Finances		
Audits & Annual Review .....	132, 139	88-89, 91-92
Assessments .....	137	90
Centralized Collection of		
Local Union Dues .....	55(c) – 55(f)	44-45
Expenditures.....	134	89-90
Funds and Property .....	129-131	84-88
Reports to GST. ....	138	91
Revenue. ....	133	89
Insurance .....	60(d)	47
Meetings/Quorum .....	127-128	84

## INDEX

TOPICS	SECTION	PAGE
Objects .....	123	79
Officers		
Business Manager-Secretary-Treasurer ..	141	93-96
Delegates .....	161	108
President .....	142	96
Removal .....	160	108
Salaries and Benefits		
Term .....	152(f), 158	100, 106-107
New Officer Training .....	163	109-110
Trustees .....	143	96
Vacancies .....	159	107-108
Vice-President .....	143	96
<b>DUES AND FEES</b>		
Power and Duties .....	124	79-80
Political Action .....	162	108-109
Nominations and Elections .....	152-157	99-106
<b>DISTRICT COUNCILS</b> .....	93	63-65
Apprentices .....	95	66-67
Industrial Members .....	94	65-66
Life Members.....	99	68-70
Regular Members.....	93	63-65
<b>INTERNATIONAL UNION</b>		
Benefit Programs .....	283-286	174-176
Death Benefit Fund – Rules .....	284	174



## INDEX

TOPICS	SECTION	PAGE
Dissolution .....	7	13
Finance .....	15-24	15-21
Audit .....	23-24	21
Death Benefit Fund .....	17, 19, 21	16-18, 19, 20
Finance Committee .....	20	19-20
Per Capita .....	17	16-18
Governance .....	9-14	13-15
Journal .....	76-79	54-55
Jurisdiction .....	6	5-13
Objects .....	2	3-4
Officers		
Election and Eligibility .....	40-41	28-31
General President – Duties .....	44-50	31-42
General Vice-Presidents – Duties .....	51-53	42-43
General Secretary-Treasurer – Duties .....	54-61	43-47
General Executive Board – Duties .....	62-71	48-52
Litigation .....	73	52-53
Salaries and Expenses .....	74	53-54
Supplies .....	75	54
Vacancies .....	72	52
Organizing Fund .....	287	177
Seal .....	3	4-5
Trademarks .....	3(b)	5
Union Label .....	282	174
<b>LOCAL UNIONS</b>		
Affiliation with District Councils .....	165(b)	113-114
Bonding .....	60(b) & (c)	46-47
Bylaws .....	167-169	114-116

## INDEX

TOPICS	SECTION	PAGE
Charter .....	164	113
Finances		
Assessments .....	93, 169, 172	63-65, 115-116, 117
Audits .....	179(f), 183	120-121, 123
Centralized Collections.....	55	43-45
Expenditures.....	179(c)	119
Funds and Property .....	179-181	118-122
Reports to GST .....	182	122
Revenue.....	93, 169	63-65, 115-116
Objects .....	165	113-114
Officers .....	185	123-124
Financial Secretary .....	198-202	128-132
President .....	189-193	125-126
Recording Secretary .....	195-197	126-127
Removal.....	217	141
Term.....	209(c)	135
Treasurer .....	203	132-133
Trustees.....	204-216	133-141
Vacancies .....	214-216	140-141
Vice-President.....	194	126
Warden.....	208	134
Meetings .....	173	117
Nominations and Elections .....	209-212	134-140
<b>MEMBERS</b>		
Admission .....	85	59-60
Apprentices .....	95-98	66-68

## INDEX

TOPICS	SECTION	PAGE
Contractors and Employers.....	91	63
Dispensated Members.....	101	70
Gold Members.....	100	70
Dual Unionism.....	89	62
Examining Boards.....	87-88	61-62
Industrial Members.....	94	65-66
Life Members.....	99	68-70
Privileges and Duties.....	102-116	70-74
Resignation.....	121	76
Suspension and Reinstatement.....	117-119	74-76
Transfer from Foreign Unions.....	90	62-63
Working Cards.....	120	76
<b>REGIONAL CONFERENCES.....</b>	<b>218</b>	<b>141-142</b>
<b>STRIKE AND LOCK-OUT RULES.....</b>	<b>249-252</b>	<b>157-158</b>
<b>TRIAL BOARD PROCEEDINGS.....</b>	<b>253-281</b>	<b>158-174</b>
Appeals.....	277-278	171-172
Basis for Charges.....	260	162-163
Exhaustion of Remedies.....	279	173
General Officers – Charges Against.....	261	163-164
Jurisdiction – Original		
District Councils.....	255	158-159
General Executive Board.....	256-257	159-160
General President.....	258	160-161
Penalties.....	270-276	169-171
Procedure.....	263-266	165-168
Trial Board Composition & Recusal.....	262	164-165







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