

BYLAWS OF
THE ALLIED BUILDING INSPECTORS
LOCAL 211
INTERNATIONAL UNION OF
OPERATING ENGINEERS
As Revised and Amended
February 2017

DECLARATION OF PRINCIPALS

We the members of the Allied Building Inspectors Local 211 & 211B of the International Union of Operating Engineers, AFL-CIO, in order to solidify and insure a more useful and beneficial union and to strengthen our natural defenses and promote the general welfare of our membership, have adopted the following principles.

Section 1. To regulate ourselves and the affairs of our local union so that it may reflect honor and dignity and be an honorable institution through which to earn a living.

Section 2. To more closely cement the interests and relationship of the members of Local No.211 & 211B and the International Union of Operating Engineers.

Section 3. To protect the rights of every member, to receive just and fair remuneration for his/her individual services.

Section 4. To try by all just means to promote harmonious relations with our employers by exercising due care and diligence in the performance of our duties.

Section 5. And so, based on the above enumerated principals, we as a local union are determined to use every lawful means at our disposal to promote the best mutual interests of our members. Accordingly, we have adopted the following bylaws.

ARTICLE I

Name

Section 1. Designation. This organization shall be known as the Allied Building Inspectors Local No. 211 & 211B of the International Union of Operating Engineers, AFL.-CIO. Such local union shall be governed by these bylaws and the Constitution of the International Union.

Section 2. The Headquarters of the organization shall be located in New York City, NY, sub-offices may be established at other locations from time to time, designated, based upon the needs of the organization and special local conditions. Such sub-offices shall be within the territorial jurisdiction of the organization.

Section 3. Territorial jurisdiction shall be that jurisdiction granted by the International Union of Operating Engineers, inscribed on the charter, issued and/or that may be amended by the International Union of Operating Engineers in accordance with the provisions of the International Constitution.

Section 4. The territorial jurisdiction shall be the counties of the Bronx, Queens, Kings, New York, Richmond, Westchester, Nassau and Suffolk.

Section 5. Order of Business shall be as follows:

- a. Calling the meeting to order.
- b. Reading the minutes of the previous meeting.
- c. Application for membership.
- d. Communications and bills.
- d. Reports of the Executive Board and Board of Delegates.
- f. Report of the Officers.
- g. Committee reports.
- h. Unfinished business.
- i. New business.
- j. Good and Welfare.
- k. Adjournment.
- l. The regular order of business may be changed at any meeting by affirmative vote of the majority present.
- m. The rules of order and debate at all meetings shall be governed by Roberts Rules of Order Revised.

ARTICLE II

Elective Officers

Section 1a. The Constitutional Officers of this Local Union shall consist of the following: The President-Business Manager; Vice President; Recording-Corresponding Secretary; Financial Secretary; Treasurer: and three (3) Trustees. Officers of the Local may not seek, be elected to or hold more than two (2) offices in the Local Union, and any two (2) offices may be combined and be held by one person, except that the offices of Financial Secretary and Treasurer shall not be combined or be held by the same person.

Section 1b. In addition, the Local shall elect three (3) Auditors, a Conductor, a Guard, and may elect up to three (3) Executive Vice Presidents and Delegates (other than delegates to the General Convention and to State, Interstate or Provincial Organizations) as it deems advisable and consistent with applicable law.

Section 2. The term of all elective officers shall be for a period of three (3) years, except that when and if permitted by applicable law, the terms of Local Union office may be a period of four (4) years.

Section 3. Because of the special burdens and heavy responsibilities imposed on the President-Business Manager of a Local Union, no member shall be eligible for election, or be elected, or hold the office of the President-Business Manager unless he/she shall have been a member continuously in good standing in the Local Union electing him/her for a period of two (2) years preceding the month of nominations, in addition to fulfilling any other qualifications for Local Union office. No member shall be eligible for election, or be elected, or hold any other office unless he/she shall have been a member continuously in good standing in the Local Union electing him/her for a period of one (1) year preceding the month of nominations: and provided that no member shall be eligible for election, be elected, or hold office unless he/she shall also have been a member of the organization for two (2) years immediately prior to the month of nominations.

Section 4. The nominations of candidates for Local Union officer shall be made at the June regular meeting, prior to the election. Within five (5) days after the nominations have been concluded, the Recording-Corresponding Secretary of the Local Union shall

mail to each member nominated, at his/her last known home address, notice of his/her nomination and of the office to which he/she has been nominated, and shall read or cause to be read the name of each nominee and identify the office to which such nominee seeks election at each regularly scheduled Local Union membership meeting held after receipt of the nominee's written acceptance of nomination. Each nominee shall also have filed a written acceptance of his/her nomination to Local Union office with the Recording-Corresponding Secretary which acceptance must be received by the Recording-Corresponding Secretary within ten (10) days of the date after having been notified by the Recording-Corresponding Secretary of his/her nomination to Local Union office and in addition, shall have been in regular attendance at all regularly scheduled Local Union membership meetings after nominations and before elections, subject, however, to a reasonable excuse based upon good cause such as physical incapacity or death in family.

No member shall be eligible for election, be elected nor hold office who has not during the year, and in the case of one seeking the office of President-Business Manager two (2) years, immediately prior to the month of nominations, been continuously employed at the trade, or who has not actively sought continuous employment at the trade. This restriction, however, shall not apply to any member employed by or working for a Local Union or the International Union or who has been assigned by his/her Local Union or the International Union to perform work in furtherance of the interests of organized labor, in either case in a sufficiently time-consuming capacity so as to preclude meeting the requirement of continuous employment at the trade or active seeking of continuous employment at the trade.

If no member fulfills the foregoing conditions of eligibility for a particular office, any member currently in good standing in the Local Union, and otherwise eligible, shall upon being nominated, be eligible to be elected to, and to hold, that office.

Notwithstanding any other provision of these By-Laws, no retired member shall be eligible for election, be elected nor hold office in any Local Union, as such term "retired member" is interpreted under the International Constitution. This restriction does not prohibit or preclude the Local Union from naming any officer as "Emeritus" or from using the peculiar talents of a given retired individual for the best interests and advancement of the Local Union.

No member shall be eligible for election, be elected nor hold office, who engages in the conduct prohibited by Section VI (A) of the Union of Operating Engineers' Code of Ethics.

In the event of the death, between nomination and the time of the last meeting preceding the election, of any constitutional officer who has been nominated to office in the forthcoming election, any member of the Local Union, who is otherwise eligible, shall be eligible to be nominated and upon his/her filing with the Recording-Corresponding Secretary of his/her acceptance of such nomination, shall be eligible to be elected to, and if elected, to hold the office to which the deceased nominee had been nominated. If the death occurs after the last meeting preceding the election, nomination shall be effected by filing a statement of candidacy with the Recording-Corresponding Secretary prior to the election, but in no event more than five (5) days after the deceased nominee's death.

Section 5. The election of officers of the Local Union shall be held in the month of August, and the nomination shall be made at the June regular meeting prior to the election. The installation of newly elected officers shall take place at the first regular ~~meeting in September~~ after the election, unless an earlier installation is directed by the — General President of the International Union. In the month of the election, the election shall be held through referendum conducted by mail. The election shall be conducted by secret ballot. Officers shall be elected by a plurality of votes cast, except that the three (3) candidates receiving the highest number of votes for the office of Trustee and the position of Auditor shall be elected. Adequate safeguards to ensure a fair election shall be provided by the Local Union, in accordance with the International Constitution, applicable law, and such rules and regulations as may be promulgated by the General Executive Board.

No candidate (including a prospective candidate) for Local Union office, and no supporter of a candidate for Local Union office, may solicit or accept any direct or indirect financial support from any non-member of the International Union of Operating Engineers or from any foundation, corporation, or other entity, whose funds derived in whole or in part from any person not a member of the International Union.

Where all candidates duly nominated to Local Union elective office are unopposed for election, a Local Union may dispense with a secret ballot vote and, in such event, the Local Union may direct the Recording-Corresponding Secretary to cast one ballot for the nominees, who shall then be declared duly elected to their office. Where any single candidate is duly nominated to Local Union elective office, and he/she is unopposed for election to that office, a Local Union may dispense with a secret ballot vote for that office and, in such event, the Local Union need not place on the ballot the name of such candidate or the office to which he/she has been nominated, and may direct the Recording-Corresponding Secretary to cast one ballot for the nominee, who shall then be declared duly elected to such office.

Section 6. A vacancy in any office of the Local Union shall be filled by appointment for the unexpired term thereof, upon vote of a majority of the following officers, VIZ: President-Business Manager, Vice President, Recording-Corresponding Secretary, Financial Secretary and Treasurer. In the event the said officers shall fail to fill said vacancy within thirty (30) days after the same shall occur, then said position shall be filled by secret ballot vote of the majority of the membership in good standing present at the next regular meeting of the Local Union following the expiration of the said thirty (30) days. In order to fill a vacancy under this section, a member must, at the time of election, be in good standing with respect to payment of dues and meet the requirements contained in Section 5 of Article II of these By-Laws. The office of any officer who shall fail to discharge the duties of his/her office for four (4) successive meetings may be declared vacant by a majority vote of the membership in good standing. Any officer or representative of a Local Union may be removed after due trial, for causes provided in this Article, upon an affirmative vote of three-fourths of the membership in good standing in the same manner and form provided in the trial of members in these By-Laws.

ARTICLE III
Officers-Powers-Duties
President-Business Manager

Section I. (a) There shall be a President-Business Manager, who is a Constitutional Officer. He/she shall be the Chief Executive Officer of the Local Union.

(b) It shall be the duty of the President-Business Manager to direct and conduct all of the business and affairs of this Local Union and its subdivisions to secure and achieve the objects, purposes and principles of this Local Union within the limits of the policy set by the membership at its regular meetings, and by the Local Union Executive Board between meetings.

(c) Specifically, but not in limitation of his/her general powers and duties:

(1) The President-Business Manager shall direct, for the Local Union the negotiations of all agreements with an employer and shall enforce each such agreement fully through his/her staff.

(2) He/she shall appoint any and all representatives, agents and assistants in accordance with the International Constitution and these By-laws and other employees, who shall be directly responsible to him/her. He/she shall set all salaries of such representatives, agents, assistants and employees with the advice and consent of the Local Union Executive Board. They shall work directly under his/her supervision. He/she may terminate them at any time.

(3) He/she shall employ such legal counsel, certified public accountants and other technical personnel as he/she may deem necessary or advisable, with the advice and consent of the Local Union Executive Board, unless otherwise provided by law or prohibited by the International Constitution.

(4) He/she shall have the power to appoint, or remove, Delegates to the various Councils, Delegates to the various organizations to which this Local Union is entitled to send Delegates or on or in which it is entitled to have representation (other than Delegates to the IUOE General Convention). Trustees of all Trusts whose Trustee Agreement authorizes this Local Union to name or appoint Trustees.

(5) When in the judgment of the President-Business Manager it shall be necessary, proper, advisable or desirable to protect, Preserve, secure or advance the interests, objects, purposes and principles or any of them to this Local Union:

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(i) He/she is authorized on behalf of this Local Union to initiate legal or administrative proceedings, actions, or suits and to defend this Local Union in any legal (civil or criminal) or administrative proceedings, actions, or suits which in his/her judgment may be necessary, proper or desirable to protect, preserve, secure or advance the interest, purposes, objects and principles of this Local Union.

(ii) He/she is further authorized on behalf of this Local Union to defend its Officers, Local Union Executive Board and its Members, Delegates, Stewards, Representatives, Agents and Employees in any legal (civil or criminal) or Administrative proceeding, action or suit in which any of them are named as a party by reason of any act or thing done or which it is claimed any of them failed to do arising out of or in the course of their duties or employment as an Officer, Local Union Executive Board or its Members, Delegates, Steward, Representative, Agent or Employee.

(iii) He/she is further authorized on behalf of this Local Union with the advice and consent of the Local Union Executive Board to compromise and settle any such legal (civil) or administrative proceeding, action or suit herein above referred to and pay out of the funds of this Local Union all or any part such compromise or settlement and any judgment or decree,

(6) He/she shall attend all Regular Meetings of the Local Union.

(7) He/she shall be a Delegate to and attend all conventions, including State, Interstate and Provincial Organizations to which the Local Union is entitled to send delegates and is a Delegate to any International Convention held during his/her term of office.

(8) He/she shall be a Member and the Chairman of the Local Union Board of Delegates and shall Chair all Local Union Board of Delegates meetings,

(9) He/she shall be a member of all Boards of Trustees on which the Local Union is entitled to representation.

(10) He/she shall incur such expense as may be necessary, proper or advisable in the carrying out of his/her duties and shall cause all salaries and other current expenses to be paid.

(11) He/she shall insofar as in his/her opinion it is necessary or advisable set the allowances and approve or authorize the incurrence or expense of and by all representatives, agents and other employees of the Local Union and shall be authorized to grant such persons time off for personal leave, holidays or sick leave.

(12) He/she is authorized to trade, exchange, purchase, sell or lease automobiles and other equipment and to arrange financing therefore and to maintain and repair the same. He is further authorized to maintain and repair real property owned by this Local Union.

(13) With the advice and consent of the Local Union Executive Board, he/she shall purchase such policies of insurance as in his/her judgment are necessary, proper or advisable.

(14) He/she shall do and perform all acts, whether or not expressly authorized herein, which he/she deems necessary, advisable or proper for the protection of the property of this Local Union and for the benefit of this Local Union and its Members.

(15) He/she shall at all times consult with the Officers of the Local Union and members of the Local Union Executive Board and seek other advice and assistance between meetings of the Local Union Executive Board when necessary or advisable.

(16) He/she may in all instances act directly or through a Deputy appointed by him/her.

(17) The President-Business Manager salary shall be set from time to time by the Local Union Executive Board in accordance with applicable law and mayoral orders. In addition, he/she shall receive all actual expenses, and such other allowances as the Local Union Executive Board may from time to time set or designate.

(18) He/she shall appoint any and all Trustees to the Board of Trustees of the Local Union Health, Welfare and/or Annuity Funds. He/she shall also have the power to remove any and all such Trustees.

(d) It shall also be the duty of the President-Business Manager to preside at all meetings, enforce the Constitution, Laws, Rules, Ritual and customs of the organization; to decide all questions of order subject to an appeal to the Local Union: to cast the deciding vote in case of a tie: to sign all orders on the Treasurer for the disposition of funds authorized by the Local Union; to read all receipts from the General Secretary Treasurer for funds sent to the General Office: to appoint all committees unless otherwise provided for: to be custodian of the quarterly password and examine the credentials of any member before bestowing the same; to furnish the General President full and complete information on any subject within his/her control or knowledge when requested: and to perform such other duties as pertain to his/her office or which may from time to time be delegated to him/her by action of the Local Union or other authorities in the organization.

Vice President

Section 2. The Vice President shall assist the President-Business Manager in the discharge of his/her office, fill his/her place in his/her absence and have such other duties as are customarily incident to his/her office.

Recording-Corresponding Secretary

Section 3. It shall be the duty of the Recording-Corresponding Secretary to keep the minutes of each meeting; to read all correspondence and documents: to issue notices for the calling of meetings; to sign all orders on the Treasurer for the disposition of funds authorized by the Local Union: to notify the General Secretary-Treasurer of all newly elected officers: to keep a record of all applications for membership: to have charge of the seal and affix the same to all official documents; to maintain a correct list of the membership and their addresses; to include a copy of the Financial Secretary's monthly report to the General Secretary-Treasurer in the minutes: to furnish the General President full and complete information on any subject within his/her control or knowledge when requested, and such other duties as are customarily incident to his/her office or which may from time to time be delegated to him/her by the Local Union or others in authority. The Recording-Corresponding Secretary shall within fifteen (15) days after the election of delegates and alternates to a General Convention report to the General Secretary-Treasurer the names and addresses, thereof. In the absence of both the President-Business

Manager and the Vice President from a meeting, the Recording-Corresponding Secretary shall call the same to order and a President pro tem shall be elected who shall serve as presiding officer for said meeting.

(a) The Recording-Corresponding Secretary shall be responsible for maintaining records of all amendments of these By-Laws during the course of his/her term of office and shall provide them to the chairperson of any Local Union board or committee, revising the Local By-Laws in the future.

Financial Secretary

Section 4. It shall be the duty of the Financial Secretary to receive all monies and all funds paid to the Local Union; to pay all funds received by him/her to the Treasurer upon receiving Treasurer's receipt therefore, to keep a correct financial account of each member together with the name and address of each: to announce before the adjournment of each meeting the amounts of funds collected by him/her; to report at the end of each month to the Local Union the number of members in good standing: to make a monthly written report to the General Secretary-Treasurer of all admissions, rejections, deaths, resignations, expulsions and suspensions, keep a record thereof and furnish the Recording-Corresponding Secretary a copy thereof: to keep a record of the dues received and disbursed. He/she shall furnish the General President full and complete information on any subject within his/her control or knowledge when requested and perform such other duties as are customarily incident to his/her office or which from time to time may be delegated to him/her by the Local Union or other authorities.

Treasurer

Section 5. It shall be the duty of the Treasurer to receive and hold all funds collected by the Financial Secretary and delivered to him/her: to give receipts for monies delivered to him/her; to make no disbursements without approval of the Local Union and only upon written order of the President-Business Manager and Recording-Corresponding Secretary: to make an itemized statement and report to the Local Union at the end of each quarter on the condition of his/her accounts and the transactions of his/her office; to submit his/her books and accounts for inspection by the Trustees when called upon by them; to furnish the General President full and complete information on any subject within his/her control or knowledge when requested and to perform such other duties as

are customarily incidental to his/her office or which from time to time may be delegated to him/her by the Local Union or other authorities.

Conductor

Section 6. It shall be the duty of the Conductor to examine all present at meetings to ascertain that the dues of each is paid up to date: to receive the quarterly current password; to report to the President-Busincss Manager all who are without the password: to conduct all candidates through the initiatory ceremony, and see that the Ritual is properly administered: to see that all candidates comply with the Ritual: to see that no one remains at the meeting or initiation save such as are members in good standing and who know the password: to furnish the General President full and complete information on any subject within his/her control or knowledge when requested and perform such other duties as are customarily incidental to his/her office or which may from time to time be delegated to him/her by the Local Union or other authorities.

Guard

Section 7. It shall be the duty of the Guard to take charge of the doors at meetings to see that none but members in good standing ancl with the quarterly password enter: to allow no member to retire without the consent of the Presi,h:nt-Busincss Manager; to announce the names of all those without the password Lksiring admission and to admit such as the President-Business Manager shall designate: to furnish the General President full and complete information on any subject within his/her control or knowledge when requested and to perform such other duties as are customarily incidental to his/her office or which from time to time may be delegated to him/her by the Local Union or other atlhoritics.

Trustees

Section 8. It shall be the duty of the Trustees to have supervision over all funds and property of the Local Union under such instructions as they shall from time to time receive from the Local Union; to see that the funds of the Local Union are deposited by the proper offices in such banks and accounts therein as the local Union shall designate: to examine the bankbooks and records of the Treasurer and any other officer holding funds of the Local Union and see that the same are correct; to be custodians of the bonds covering the Financial Secretary and Treasurer and such other officers as the Local Union may require to be bonded: to furnish the General President full a nd complete information

on any subject within their control or knowledge when requested. They shall have such other duties as are customarily incident to their office or which shall from time to time be delegated to them by other authorities. In those instances in which the Local Union is audited not less than annually by an independent public accountant the Trustees shall certify on the basis of the audit of such independent public accountant. In carrying out the duties imposed upon them by this Section, the Trustees shall act as a Board of Trustees and no Trustee shall separately act in his/her individual capacity as a Trustee.

Auditors

Section 9. It shall be the duty of the Auditors to audit the books and accounts of the Recording-Corresponding Secretary, Financial Secretary, Treasurer, and any other officer or representative holding funds of the Local Union, at the end of the official quarter each year: and to report thereon at the first meeting of the Local Union in the months of January, April, July and October. However, in those instances in which the Local Union is audited not less than annually by an independent public accountant the Auditors shall report on the basis of such audit. The Auditors shall have power to summon any officer or member to explain the condition of his/her records or any discrepancy that may appear therein and any officer so summoned shall be required to turn over to the Auditors all papers, records, books, and property belonging to the Local Union demanded by them. They shall furnish the General President full and complete data on any subject within their control or knowledge when requested. In carrying out the duties and powers enumerated in this Section, the Auditors shall act as a Board of Auditors and no Auditor shall act separately in his/her individual capacity as an Auditor.

Bonding

Section 10. Each officer, employee or other representative of this Union, who handles funds or other property of the Local Union shall be bonded for the faithful discharge of his/her duties in such amount and in such manner as may be required by applicable law. The expense of such bond shall be paid by the Local Union.

Incapacity of Officers

Section 11. In the event a Local Union officer whose signature is required by any provision of the Constitution or law is physically or mentally incapacitated and unable to act or refuses to perform his/her constitutional duties the Local Union Executive Board

may appoint any constitutional officer who is properly bonded to act in his/her place and stead and such act shall be that of the person acting and the officer who is unable to act shall not be responsible therefore. In case where the Local Union Executive Board fails or refuses to act. the General President may take whatever action he deems necessary.

ARTICLE IV

Executive Board

Section 1. The Executive Board shall consist of the President-Business Manager. Vice-President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, three (3) Trustees, three (3) Auditors, Conductor, Guard and the three-(3) Executive Vice Presidents.

Powers of the Executive Board

Section 2. The Executive Board shall be the policymaking and administrative tribunal of this Local Union. It shall have such powers as may from time to time be delegated to it by the action of this Local Union or conferred by the Constitution. All acts of the Executive Board shall be reviewable by this Local Union but shall be maintained in full force and effect, subject only to revocation by action of the membership if taken at the next subsequent membership meeting following the adoption of the act in question. The Local Union is authorized, upon affirmative vote of the Executive Board, to pay all expenses for investigation services, employment of counsel, and other necessary expenditures in any cause, matter, case or cases where a Local union officer, delegate, representative, employee, agent or one alleged to have acted on behalf of the Local Union, is charged with any violation of any law or is sued in any civil action with respect to any matter arising out of his/her official duties, except if such officer, delegate, representative, employee or agent is charged with a breach of his trust to the Local Union or any member thereof, in which event he/she may be indemnified only if the action is terminated favorably to him/her.

Section 3. All powers are vested in the President-Business Manager when the Executive Board is not in session. Acts and decisions of the President-Business Manager shall be reviewable by the Executive Board, only as such review shall be permissible under the

International Constitution and shall not interfere with the President-Business Managers appointment powers.

Section 4. The Executive Board shall meet as often as necessary, but shall meet at least once a month, the Thursday after the first Tuesday of the month.

Section 5. Seven Board members at a meeting shall constitute a quorum for legal transactions of board business.

Section 6. The Executive Board shall select a Chairman and a Secretary to conduct and record its business.

Article V

Board of Delegates

Section 1. This Local Union shall elect a Board of Delegates whose composition and duties shall be as set forth below.

Section 2. Members of the Board of Delegates shall be elected in the following manner:

- a. Members in the New York City Department of Buildings shall elect one (1) delegate and one (1) alternate for each location that five (5) or more Members work out of. (A location shall be an office address)(If a Member works out of multiple locations his/her location for delegate elections shall be the location he/she receives their paycheck)

Any location of the New York City Department of Buildings that more than thirty (30) Members work shall elect two (2) delegates and one (1) alternate.

Any location of the New York City Department of Buildings that more than fifty-five (55) Members work shall elect three: (3) delegates and two (2) alternates

Any location of the New York City Department of Buildings that more than eighty (80) Members work shall elect four (4) delegates and two (2) alternates

Each delegate shall have one vote and no location shall have more than four (4) voting delegates.

h. Members in the New York City Department of Housing Preservation and Development shall elect one (1) delegate and one (1) alternate for each location that five (5) or more Members work out of (A location shall be an office address)(If a Member works out of **multiple** locations his/her location for delegate elections shall be the location he/she receives their paycheck)

Any location of the New York City Department of Housing Preservation and Development that more than thirty (30) Members work shall elect two (2) delegates and one (1) alternate.

Any location of the New York City Department of Housing Preservation and Development that more than fifty-five (55) Members work shall elect three (3) delegates and two (2) alternates.

Any location of the New York City Department of Housing Preservation and Development that more than eighty (80) Members work shall elect four (4) delegates and two (2) alternates.

Each delegate shall have one vote and no location shall have more than four (4) voting delegates.

c. Members in the New York City Housing Authority shall elect one (1) delegate and one (1) alternate for one (1) vote only.

j. The President-Business Manager may appoint additional alternate delegates, as the need arises.

Section 3. Delegates shall be nominated and elected in the same month as the elected officers of this Local Union and shall serve for an identical period of **time**.

Section 4. An alternate shall be counted in the quorum and cast a vote only in the absence of the regular delegate. He/she shall have a voice in the proceedings of all meetings of the Board of Delegates.

Section 5. The President-Business Manager of the Local Union shall serve ex-officio as a Member of the Board of Delegates and shall Chair all Board of Delegates meetings. The Recording-Corresponding Secretary of the Local Union shall serve ex-officio as a Member of the Board of Delegates and shall take the official meeting minutes at all Board of Delegates meetings.

Section 6. The Board of Delegates shall meet on the first Thursday after the first Tuesday of the month and as often as necessary, (revised 10/87) In the event of a holiday or other reason for deferment of a meeting the Board of Delegates shall select an alternative date.

Section 7. A quorum for the transaction of business before the Local Union Board of Delegates shall consist of a majority of the Members thereof.

Section 8. The duties of the Board of Delegates shall be as follows:

- a. It shall review all reports from working committees which are submitted to it by the Chairperson.
- b. It shall process all grievances under the collective bargaining agreement of the Local Union.
- c. It shall maintain continual liaison and communication with the rank-and-file members of the Local Union and shall be responsible for the distribution of the newspaper, flyers and periodicals published by the Local Union.
- d. It shall investigate the character and qualifications of applicants for membership and shall make a determination as to the qualifications of the applicant for membership in the Local Union. Such determination shall be made on the basis of uniform standards and shall not be discriminatory in any manner. The applicant, if approved by the Board of Delegates shall be so notified and his/her name and address shall be placed on the records, and he/she shall be furnished a copy of the Constitution and his book of membership.

Section 9. The Board of Delegates shall be responsible to the Executive Board and to the rank and file for performance of its duties.

Section 10. The Board of Delegates shall recommend the method of conducting secret ballot elections. The recommendations of the Board of Delegates shall be made to the Local Union Executive Board for final approval.

Section 11. The office of any member of the Board of Delegates who shall fail to discharge the duties of his office for four (4) successive meetings may be declared vacant by a majority vote of the membership in good standing. The Recording-Corresponding Secretary shall maintain an attendance record.

Section 12. Vacancies in, or resignation from, the Board of Delegates shall be filled by the elected alternate.

Section 13. In addition to the foregoing powers. the Board of Delegates shall.

1. Recommend the action to be taken when any member is in arrears for non-payment of dues or assessments.
2. Recommend action to be taken when a complaint. in writing has been filed against any member by three (3) members in good standing.
3. By unanimous vote, recommend the expulsion of a member found guilty of charges preferred, after a hearing duly held. A three quarter (3/4) vote of members present at a meeting shall be necessary to expel said member.
4. Recommend the action to be taken on any complaint of specific suggestion for the good and welfare of the organization which has been submitted in writing by any member in good standing.
5. The Board shall act as a nominating committee in recommending a slate for the election of officers.
6. Additional nominations for officers may be made from the floor at the June meeting held for such purpose.

Section 14. Any member of the Board of Delegates after being duly notified of charge of misconduct or malfeasance and found guilty of such charges may be removed from office by a two-thirds (2/3) vote of the Board at a meeting called for this purpose by the President-Business Manager.

Section 15. RULES AND REGULATIONS RELATIVE TO DELEGATE ELECTIONS.

- a. Nominations for Delegate shall be made in all agency offices on the second payday during the month of June.

- b. Delegate nominations shall be submitted in writing, by the Delegates to the Union Headquarters as soon as possible and at least one week prior to the elections.
- c. Elections shall be held on the first payday in August.
- cl. Elections shall be in charge of an official designated by the Executive Board.
- c. Only union members shall be permitted to vote and to receive a non-numbered ballot. A union master sheet shall be duly signed by a voter upon receiving an official ballot.
- f. Vote shall be by an official printed ballot furnished by the Local Union. In locations with five or more, but thirty or less Members, the one nominee receiving the highest number of votes cast, shall be considered the elected Delegate of that respective location and the second highest shall serve as the location alternate. In locations with more than thirty, but fifty-five or less Members, the two nominees receiving the highest number of votes cast, shall be considered the elected Delegates of the respective location, and the third highest shall serve as the location alternate. In locations with more than fifty-five, but eighty or less Members, the three nominees receiving the highest number of votes cast, shall be considered the elected Delegates of that respective location, and the fourth and fifth highest shall serve as the location alternates. In locations with more than eighty Members, the four nominees receiving the highest number of votes cast, shall be considered the elected Delegates of that respective location, and the fifth and sixth highest shall serve as the location alternates.
- g. The installation of newly elected delegates shall take place at the first regular Board meeting in September, unless an earlier installation is directed by the General President.
- h. Any complaints relative to irregularities in voting shall be registered with the President-Business Manager for investigation. The President-

Business Manager shall present such grievances at the next Board meeting. Decisions made by the Board shall be final.

- i. All official ballots and the master sheet shall be delivered to union headquarters following voting and final tabulation.
- J. Election polls shall remain open for any reasonably designated time by the election official who has been appointed to act in this capacity by the Executive Board.

ARTICLE VI

Section 1. There shall be a monthly stipend paid to the members of the Executive Board and the Board of Delegates, for attending meetings, the amount of which shall be set by the Executive Board.

Section 2. In no event shall the Executive Board set such monthly stipend at an amount exceeding ten (10) percent of the weekly salary of the highest paid member of the Local Union.

Section 3. The treasurer shall withhold the monthly payment to any delegate or Executive Board member who has failed to attend the monthly general membership meeting unless excused by the President-Business Manager.

Section 4. The aforesaid monthly stipend shall be separate and apart from any other payments or reimbursements duly authorized and made.

ARTICLE VII

Local Union Office

The Local Union may establish and maintain a local office or headquarters and employ any of their elected officers or such business representatives and clerks as may be deemed necessary in the management thereof and, where lawful and appropriate, may prescribe the delegation of duties of the several duly elected officers to such business representatives and clerks, together with such other duties as from time to time may be deemed advisable; provided, however, that no one person shall perform the duties of both Financial Secretary and Treasurer.

ARTICLE VIII

Committees

Section 1. The Local Union shall establish a standing committee on Safety and Health and a standing committee on Legislation and Political Action, unless circumstances within a Local Union render such establishment impracticable, as well as such committees as it may desire and delegate specific duties to them. All committees shall render reports promptly to the Local Union and deliver all funds collected or held by them to the Financial Secretary and perform such other acts and in such manner as the Local Union may from time to time direct. All members serving on committee shall be reimbursed by the Local Union for out-of-pocket expenses within the discretion of the Local Union President-Business Manager.

Section 2. There shall be a Shop Steward on each job location appointed by the President-Business Manager. His/her term of office shall be for one year or until his/her successor is appointed, but he/she may be removed at any time by the President-Business Manager. The duties of the Shop Steward shall be, to keep the office of the Local Union informed of violations of agreements, changes in working conditions, vacancies occurring and all pertinent matters pertaining to the good and welfare of the Local Union. He/she shall also report any violations of these By-laws and of the Constitution of the International Union and make such other reports as may be required, pertaining to Union conditions on the job consistent with the terms of the collective bargaining agreement.

ARTICLE IX

Procedures on Membership Applications and Initiation

Section 1. An applicant who desires to become a member of this Local Union shall fill out an application to the Union. The application shall be complete in all details and turned over to the membership committee at least three (3) weeks prior to the applicant being brought in to face the rank-and-file membership. The membership committee shall investigate the character and qualifications of the applicants and shall make a determination as to the qualifications of the applicants for membership in the Local Union. This determination shall be made on the basis of uniform standards and shall not be discriminatory in any manner and shall be in accordance with all applicable law. After

acceptance and approval by the membership committee, the new applicant shall be notified to attend the next regular general membership meeting. The applicant shall introduce himself to the Guard as a prospective member. The Guard will bring him/her into the meeting room at the proper time, the Conductor will bring the new applicant forward and introduce him/her to the Chairman, and be sworn in. After the swearing in, the new member shall be told to take his/her place with the rank and file. If the new applicant is denied admission to the Union, the person may make another application for admission in 90 days from the date of denial. The subsequent applications shall be processed in the normal manner.

ARTICLI X

Duties of Members

Section 1. Members of the Local Union shall conform to and abide by the Constitution, Laws, Rules, Obligation and Ritual, and the decisions of any authority of the International Union empowered by its Constitution to make them. Each member shall keep the Recording-Corresponding Secretary properly and promptly notified of his/her residence and any change thereof. Consistent with applicable law, each member shall do all in his/her power to advance the cause of organized labor through the encouragement of the use of union goods and services. Members may, upon proper credentials being produced, obtain admission to meetings of other Local Unions of the organization.

Section 2. The admission to membership in conformity to the Constitution, Obligation and Ritual constitutes a contract between the member, his Local Union, the International Union and every other member therein, whereby, in consideration of the benefits bestowed by such membership, he/she agrees that he/she will not violate the Constitution, Laws, Rules, Obligation and Ritual, and the decisions, rulings, orders and directions of the International Union or its subordinate branches, nor the trade rules of the locality in which he/she works, and that he/she will not enter into the employment of any person conditioned on severing his/her membership with this organization.

ARTICLE XI

Initiation Fees, Dues and Arrearages

Section 1. The initiation fee of this Local Union for regular full-time dues check-off members shall be \$50.00.

Section 2. The initiation fees of the Local Union may be increased or decreased by a majority vote of the members in good standing voting by secret ballot at a membership meeting, after reasonable notice of the intention to vote upon such question. No proposed increase in initiation fees may be voted upon unless and until the proposed increase is approved by the General President.

Section 3, The dues of the Local Union shall be \$35.38 for regular full-time members, paid biweekly. The dues shall be increased by the same percentage as any general wage increase for the bargaining unit that postdates the ratification date of these By-Laws.

Section 4. The dues of the Local Union shall be fixed by a majority vote of the members in good standing voting by secret ballot at a membership meeting after a reasonable notice of the intention to vote upon such question but shall not be less than the minimum dues provided under the International Constitution. When the per capita tax payable to the International Union is increased pursuant to the International Constitution, the dues charged by the Local Union shall be increased in a corresponding amount in order to ensure the financial health of the International Union and the Local Union provided, however, that upon application of the Local Union, such increase may be waived by the General President if he/she determines that such waiver is necessary to protect and preserve the best interests of the Local Union.

Section 5, No member shall be in good standing unless he/she paid all current dues to the Local Union within thirty (30) days after they shall have become due and payable. No member whose dues have been withheld by his/her employer for payment to the Local Union; Pursuant to his/her voluntary authorization provided for in a collective bargaining agreement, shall be declared ineligible to vote or be a candidate for office in the Local Union solely by reason of alleged delay or default in the payment of dues.

Section 6. Members who have not tendered their current dues on or before the day such dues shall have become due and payable may be removed from employment where valid collective bargaining agreements or applicable law permits. Members who have not paid

their current dues or assessments within thirty (30) days after they shall have become due and payable may upon vote of the Local Union be denied voice and vote therein, be barred from meetings or removed from committees or both, or suspended from membership.

Officers who have not paid their current dues or assessments within ninety (90) days after they shall have become due and payable may upon vote of the Local Union be removed from office.

Members who have not paid their current dues or assessments within six (6) months after they shall become due and payable may, upon report thereof by the Financial Secretary at a regular meeting of the Local Union, be expelled by a majority vote of the members present.

The Local Union Executive Board is likewise authorized and empowered to take the same action provided herein above and to enforce the foregoing penalties for arrearages against members, whenever, upon findings by it said arrearages are found to exist.

No member of the Local Union shall seek to affiliate with another Local Union, save in the manner and form required by the International Constitution. Such member shall be required to make full disclosure to such other Local Union of his/her previous memberships including all facts as to any fine, penalty or other disability imposed within the organization, and existing and unsatisfied against him/her, and in addition, such member shall strictly conform to and discharge any and all constitutional requirements governing the lifting of the said fine, penalty or disability.

In addition to the penalties herein above provided, the Local Union may also impose the penalties provided for the causes herein set forth. Except for failure to tender dues, no members shall be subjected to any of the penalties above enumerated unless the trial procedures set forth in Article XIII herein have been followed.

Section 7. All non-union members in the collective bargaining unit represented by this Local Union are required to pay agency shop fees to the Local Union in the same amount, to the same extent and in the same manner as Local Union dues. Pursuant to statutes, any employee in a collective bargaining unit certified to the Local Union, not a member of said union, from whose paycheck an agency shop fee has been deducted, may if he or she

Wishes, obtain a refund of his or her pro rata share of an expenditure by the union in aid of activities or causes of a political or ideological nature only incidentally related to terms and conditions of employment.

Any person seeking a rebate as aforesaid shall file a written notice of objection setting forth the political or ideological cause for which the expenditure was made and requesting a refund of his or her pro rata share. The written notice must contain the employee's name, address, title and be submitted to the Local Union office by registered or certified mail between April 1 and April 16 of each year in which the employee objects to such expenditures made in the preceding calendar year.

Section 8. The dues for any retirees who wish to be a retiree affiliate of the Local Union shall be \$36.00 per year, paid directly to the Local Union Headquarters by cash, check or money order.

ARTICLE XII

Other Causes for Fines, Suspensions
or Expulsions and their Payments or Reinstatements

Therefrom

Section 1. Any officer or member of a Local Union who becomes a habitual drunkard; who wrongs a fellow member or defrauds him/her; who commits an offense discreditable to the International Union or its subdivisions; who seeks to dissolve any Local Union or separate it from the general organization, who willfully engages in slander or libel where such slander or libel is contrary to the responsibility of every member toward the Organization as an institution or specifically interferes with the Organization's performance of its legal or contractual obligations; who violates the trade rules of the locality in which he/she is working; who fraudulently receives, misapplies, converts or embezzles the funds of any subdivision of the International Union or the monies of any member entrusted to him/her; who violates his/her obligation or any section of the Constitution, Rules, Edicts and Ritual of the International Union; who divulges the password to anyone except the officer authorized to receive the same; who is guilty of insubordination; or who refuses to acknowledge or perform the lawful command of those authorized within the International Union to issue the same, may be disciplined or, upon

trial therefore and conviction thereof: be fined, suspended or expelled from his/her Local Union.

Any member working contrary to a declared strike, or the rules established by the Local Union by reason of a lockout shall, upon trial and conviction thereof, be subject to a fine of not less than Twenty-five (\$25.00) Dollars, or expulsion, or both. His/her name shall be reported to his/her Local Union, which enforces this Section, charge and collect the fine so imposed, under penalty of expulsion. The Local Union shall have the power to fix such other offenses as from time to time may be determined by them.

Section 2. All fines legally levied or imposed shall be charged by the Financial Secretary against the member from whom due and must be paid by the member involved to the Financial Secretary within thirty (30) days. Wherever a fine is imposed upon a member, his/her sentence shall automatically be read to incorporate the following provisions.

Members thirty (30) days in arrears in the payment of fines shall be denied voice and vote in their Local Union, and thereafter until the fine is paid no dues owed by such member can be received or accepted by the Local Union. Such refusal to accept dues shall not, however, form the basis for removal from employment unless authorized by law.

Members sixty (60) days in arrears in the payment of fines shall be removed from committees, barred from meetings and suspended from membership. Members ninety (90) days in arrears shall be removed from office. Members six (6) months in arrears shall be expelled from membership. In addition to the penalties provided for herein, the Local Union is authorized to secure the payment of fines through appropriate legal proceedings.

Section 3. A member who has been suspended under the provisions of this Article may be restored to membership in good standing and to his/her membership number only by making application together with the payment of all dues, assessments and fines then in arrears, the reinstatement assessment and in addition an amount equal to three (3) months' dues. When all the foregoing requirements have been fulfilled by the applicant, notice thereof shall be given by the Financial Secretary to the General Secretary-Treasurer on the next monthly report, accompanied by the reinstatement assessment and other charges due thereon. However, in cases where the cost of reinstatement exceeds the

amount of the current initiation fee, the Local Union may accept such individuals as new members.

Section 4. A member who has been expelled for any of the causes provided in this Article may be restored to membership in good standing and to his/her membership number only by application therefore on the form furnished by the General Secretary- Treasurer, together with the payment of all dues, assessments and fines in arrears, the reinstatement assessment and in addition, an amount equal to six (6) months' dues.

When all the foregoing requirements have been fulfilled, and the Local Union shall have granted such applications pursuant to the procedure on applications contained in these By-Laws, notice thereof shall be given by the Financial Secretary to the General Secretary- Treasurer on the next monthly report, accompanied by all documents, reinstatement assessments and other charges due thereon.

ARTICLE XIII

Trials

Section 1. This Local Union shall have the power to discipline, fine, suspend or expel its members upon causes provided in Articles XI and XII and provided further that any member charged with the offenses designated in Articles XI and XII shall be tried within the jurisdiction of the Local Union where said offense was committed, in which case a copy of the verdict shall be sent to the Local Union to which the member charged belongs.

Section 2. All charges must be preferred in writing and signed by the complainant.

Where the President-Business Manager is not the complainant, the charges must contain a signed statement of either the complainant or some other member that he/she has personal knowledge of the facts which form the basis of the charges. Charges must be filed within thirty (30) days of the event or circumstances giving rise to the charge, or within thirty (30) days of learning of the event or circumstance, whichever is later. Charges are to be filed with the Recording-Corresponding Secretary and read by the Record-Corresponding Secretary at the next succeeding meeting following the filing of same. Immediately upon filing of such charges the Recording-Corresponding Secretary shall notify the defendant in writing, enclosing a copy of said charges, and of the date set

for the filing of the answer or defense or the entering of a plea by the defendant, which date shall be not less than two (2) nor more than four (4) weeks thereafter. Charges shall be specific, stating clearly, concisely and as accurately as possible the time, place, nature and circumstances of the offense alleged.

Section 3. Within thirty (30) days after the pleadings are filed, or the plea entered, the Local Union Executive Board, or any other Board within the Local Union established for the purpose, may at its discretion, order a pre-trial hearing and direct the complainants and defendants to appear at said hearing. All parties shall be notified in writing by Certified or Registered Mail providing the date, time and place of the hearing and the specific charges to be pre-tried. The purpose of the hearing shall be to define the issues and to make a preliminary determination as to whether the charges have merit. The Board, upon hearing all the parties, may at its discretion, decline to process these charges after such hearing, as being without merit. However, such decisions of the Board not to process the charges shall be appealable to the General Executive Board in accordance with the provisions of this Article. The failure of the complainant to appear at such pre-trial hearings may result in a dismissal of the charges by the Board. The Board shall also have the power to settle the matter at such hearing in the event such settlement is mutually agreeable to all parties. In the event the Board does not invoke the pre-trial procedures within the time set forth herein, or invokes the procedures and determines to proceed with the charges on their merits, the following provisions shall then become effective: After the pleadings are filed or the plea entered, or the time elapsed within which the same must be filed or entered, and the pre-trial procedure has been invoked and/or time limitation for same expired, the President-Business Manager shall cause the parties to be notified of the trial date, which must be the next regular meeting thereafter. Unless a request for postponement of the trial shall have been made to and granted by the President-Business Manager the trial shall proceed upon the date set. Complainants and defendants may present their own cases or by counsel selected from among the membership of the International Union of Operating Engineers. After all the evidence is in, and a full and impartial hearing has been had upon the issues, the President-Business Manager shall distinctly state the charge and charges and present the matter to the members present at said meeting for a vote.

Section 4. The said members shall vote by ballot either guilty or not guilty on the merits of each individual charge. Three tellers shall be appointed, one by the defendant, one by the complainant and one by the President-Business Manager (if the President-Business Manager is either complainant or defendant then the third teller shall be elected by the meeting), which tellers shall collect the ballots and announce the verdict. A three-fourths vote of the membership recorded as present shall be required for conviction in cases involving expulsion, and a majority vote in cases involving other penalties. If a verdict of guilty is returned, the President-Business Manager shall then prescribe the penalty permitted by the vote to be imposed.

Section 5. In the event the complainant fails to appear at the time set for trial the President-Business Manager may dismiss the charges unless otherwise determined by a two-thirds vote of the members present. In the event the defendant willfully fails to appear at the time of the trial the said trial may be conducted in his/her absence, a vote taken by the tellers appointed by the President-Business Manager a verdict announced and a penalty imposed.

Section 6. Any member other than the President-Business Manager of the Local Union preferring charges against another member as provided herein, must at the time of filing the charges deposit Fifty Dollars (\$50.00) in cash or certified check for each individual charge and for each signatory to each such individual charge against each member. In the event a charge is proved, the deposit for that charge shall be returned to the member filing the same, and if not proved, shall be forfeited to the Local Union. Any member of the Local Union fined, disciplined or expelled shall have the right to appeal to the General Executive Board in the manner and form provided in the Constitution and the Laws and Rules established thereunder. Any appeal rightfully taken and properly filed wherein the penalty of expulsion is imposed shall cause the order of expulsion to be stayed until decision of the General Executive Board thereon. Unless by action of the General Executive Board thereon, waiving the requirement, no member may appeal from the imposition of a fine unless and until such fine shall first be paid by him/her.

In the event the President-Business Manager of the Local Union is the complainant or the defendant he/she shall not participate as a member of the Local Union Executive Board in the pre-trial functions entrusted to the Board, and shall not exercise

any of the functions entrusted to the President-Business Manager herein. All functions entrusted to the President-Business Manager shall, when the President-Business Manager is either the complainant or the defendant, be exercised by the Vice President or, if he/she is either the complainant or the defendant, then by any other Local Union officer selected by the Local Union Executive Board.

Section 7. In the event charges are filed by a member against an officer of the Local Union, the Local Union Executive Board must conduct a pre-trial hearing of the nature and in the manner described herein. The decision of the Local Union Executive Board, whether it be to decline to process the charges as being without merit or to submit the charges for trial within the Local Union, shall be subject to appeal to the General Executive Board in the manner governing appeals under the International Constitution. If, on appeal, the General Executive Board upholds the decision of the Local Union Executive Board not to process the charges, or if the General Executive Board reverses the decision of the Local Union Executive Board to submit the charges for trial within the Local Union, there shall be no Local Union trial and the charges shall be dismissed. Notwithstanding any other provision of the International Constitution there shall be no further appeal from such decision. If the General Executive Board reverses the decision of the Local Union Executive Board not to process the charges, or if the General Executive Board upholds the decision of the Local Union Executive Board to submit the charges for trial within the Local Union, it shall remand the charges to the Local Union for trial within the Local Union in the manner provided by this Article. Under the procedure herein provided, a reading of the charges at a membership meeting prescribed in this Article, shall be postponed until such time as the charges are ripe for trial at a membership meeting.

Section 8. The Local Union shall keep minutes of all trials conducted by it. A stenographic record of trial proceedings need not be taken unless the presiding officer of the trial so orders, or unless the charging party or the charged member so requests within seven (7) days of receipt of the notice of trial. The party requesting that such recording be made shall be responsible for the cost of the recording and the preparation of the transcript by a competent reporter, chosen by the presiding officer. Three (3) copies of the transcript shall be prepared so that each party and the Local Union may have one. The

reporter shall attach an affidavit to each copy, stating that it is a true and accurate transcript of the proceeding.

ARTICLE XIV

Monthly Meetings

Section 1. A quorum for the transaction of business at meetings of the Local Union shall consist of not less than seven (7) members in good standing.

Section 2. The regular meeting, for general membership of the Local Union shall be the third Thursday of the month. The Local Union shall have at least one regular meeting each month, except that the Local Union may dispense with monthly meetings during a vacation period, not to exceed three successive months in one calendar year. The Local Union may also hold as many other regular meetings as may be necessary for the proper transaction of business.

Section 3. The annual meeting of the Local Union shall be the last meeting in June of each year.

Section 4. Special meetings shall be called when ordered by the President-Business Manager, or by a majority of the following officers: Vice President, Recording-Corresponding Secretary, Financial Secretary, and Treasurer, or upon written request of one-third of the members of the Local Union in good standing, or pursuant to a specific bylaw provision specifying another means for calling such meetings.

ARTICLE XV

Amendments to the By-Laws

Section I.

- a.** A petition from the membership, signed by at least twenty-five (25) members in good standing, may present a petition to amend the existing Bylaws to the Board of Delegates.
- b.** The Board of Delegates shall receive the petition at the next regular Board of Delegates meeting,
- c.** The petition shall be voted on by the Board of Delegates. A majority vote shall make possible the presentation of the petition to the next regular meeting of the Local Union Executive Board for further action. If the Board of Delegates votes the petition down, the

petition cannot be brought back into the Board for at least six (6) months, at which time the petition shall be processed in the normal fashion as set forth in these By-laws.

- d. Upon receipt of the approved petition from the Board of Delegates, the Local Union Executive Board shall act upon the petition at its next regular meeting. A majority vote shall make possible the presentation of the petition to the next regular meeting of the general membership. Denial by the Board shall be the same as in Sec. 1 c herein.
- e. At the next general meeting of the membership, the petition shall be read to the members by the Recording-Corresponding Secretary. After a proper period for discussion and consideration, a vote shall be made by the membership present. This Local Union may adopt and amend the By-Laws by a majority vote of those members voting at a regular membership meeting. If the membership votes the petition down; the petition cannot be brought back to the membership for at least (6) months at which time the petition shall be processed in the normal fashion as set forth in these By-Laws. No Local Union By-Laws may be adopted or amended in contravention of the Constitution, Laws, Rules, Obligation or Ritual of the International Union, or the decisions, rulings, orders and directions of any authority of the International Union empowered by its Constitution to make them. Copies of all By-Laws, immediately following their adoption or amendment, shall be transmitted by the Recording-Corresponding Secretary to the General President and the General Secretary-Treasurer. By-Laws or amendments thereto, in order to become effective, must be adopted by the Local Union and approved by the General President.

ARTICLE XVI

Welfare Benefits for Retirees

Section 1.

- a. This article shall refer to retirees of this Local Union.
- b. The Welfare Fund of the retirees shall be administered by the Welfare Fund Committee, subject to the provisions of the trust agreement, and become fully integrated with the existing Welfare Fund, effective immediately.
- c. Welfare benefits for retirees shall become effective January 1, 1975, retroactively.

ARTICLE XVII

General

A member who wishes to Challenge an alleged denial of a right under this Local Union or the International Union Constitution or that the Officers of this Local Union have allegedly not properly applied the terms and conditions of the Local Union have allegedly not properly applied the terms and conditions of the Local Union By-Laws or of the International Constitulion in the conduct of this Local Union's election procedure or the general business of the Local Union must first appeal to the Executive Board of this Local Union. Failing to get a satisfactory disposition of the matter, he/she then must appeal the Executive Board's decision or failure to decide to the International Union, before instituting any action or proceeding relative thereto before a court or government agency. This provision shall only require resort to internal remedies for a period not exceeding four (4) months, with the exception of an election challenge which shall only require resort to internal remedies for a period not exceeding three (3) months. Any member violating this provision, shall, in addition to penalties described in these By-Laws, be subject to a fine equal to the full amount of the costs incurred in the defense of any such action by the Local Union together with such costs additional as the court may fix or assess against said member.