

CONSTITUTION & BYLAWS

*OF*

OPEIU LOCAL NO. 9, AFL-CIO-CLC

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## PREAMBLE

This Union declares for its objectives and aspirations the following:

- (A) To organize all unorganized professional, technical, office, clerical, and related employees;
- (B) To secure terms and conditions of employment for its members consonant with ideals of fair living wages and benefits to improve quality of life;
- (C) To promote and encourage harmonious relations between ourselves and our employers;
- (D) To render all possible assistance to our fellow members in the American Federation of Labor and Congress of Industrial Organizations and the Canadian Labor Congress; and to have in general,
- (E) The same aims and purposes of the International Union provided for in its Constitution in the interest of all professional, technical, office, clerical and related employees.

## ARTICLE I - NAME

**Section 1.** This organization, located in Milwaukee, Wisconsin, shall be known as the **Office & Professional Employees International Union, Local No. 9**. This Union shall be and remain a chartered Local Union of the **Office & Professional Employees International Union** affiliated with the **American Federation of Labor and Congress of Industrial Organizations** and the **Canadian Labour Congress**.

## ARTICLE II - AIMS AND OBJECTIVES

**Section 1.** The aims and purposes of this Union shall be the same for its own members as are expressed and stated as the aims and purposes of the International Union in the interests of all professional, technical, office, clerical, and related workers and thus secure such unity in sentiment and action as will enable them by the power and influence of associated effort to elevate their social, material, moral and intellectual welfare, to provide means for the intellectual development of its members and to educate them in the principles of unionism.

## ARTICLE III - EXISTENCE

**Section 1.** This Union cannot be dissolved while there are seven (7) dues-paying members therein who desire to continue its existence. When any Local Union ceases to represent employees of any employer, the International Union Executive Board may suspend the charter of such Local Union and order it dissolved. Upon the dissolution of this Union, all its properties and assets, including its funds, books and records, shall become the property of the International Union, to be held by the International Union in trust for a period of one (1) year, during which time such property shall be returned to this Union if it is reconstituted. After such one (1) year period, such properties and assets shall become the property of the International Union and the funds will be placed in the International treasury to be used by the International Union for its general purposes.

## ARTICLE IV - JURISDICTION

**Section 1.** This Union shall embrace within its membership workers employed in any phase of professional, technical, office, clerical, and related work, in the commonly accepted sense of that term, coming within its jurisdiction as established under the Constitution of the **Office & Professional Employees International Union**.

**Section 2.** This Union recognizes the right of the Executive Board of the International Union to determine jurisdiction between the Local Unions of the International Union and to settle all controversies respecting jurisdiction between said Local Unions and agrees to submit all such jurisdictional disputes, in writing, to the Executive Board of the International Union.

## ARTICLE V - MEMBERSHIP

**Section 1.** No person shall be admitted to membership in this Union who is not employed in the trade at an occupation under the jurisdiction of this Union as set forth in **Article IV, Section 1** of this Constitution and Bylaws.

**Section 2.** No person shall be admitted to membership who advocates principles or lends support to organizations or movements whose purposes and objectives are contrary to the fundamental principles of the established government of the United States or are in conflict with the policies of the International Union.

**Section 3.** No person holding membership in another Local Union of the International Union shall be admitted to or permitted to retain membership in this Union.

**Section 4.** All officers and full time paid organizers of the International Union shall be ex officio members of this Union with the privilege of participating in this Union's meetings, but not voting. Any member of this Union who becomes an officer or full time organizer of the International Union shall retain her/his full rights as a member of this Union, including that of voting.

**Section 5.** Applicants for membership in this Union shall be required to fill out application cards upon forms specified by the Secretary-Treasurer of the International Union. Applications must be accompanied by the required initiation fee and one (1) month's dues.

**Section 6.** Any member of this Union who secures employment under the jurisdiction of any other union affiliated with the **American Federation of Labor and Congress of Industrial Organizations** not under the jurisdiction of this International Union and who is thereby required to become a member of such other union, may retain her/his membership in this Union.

**Section 7.** No person shall be admitted to membership without having been approved by the Local Union and inducted by subscribing to the following initiatory obligation orally or in writing:

"I, \_\_\_\_\_, pledge my honor before these witnesses to faithfully comply with the Constitution, laws and all amendments thereto of the **Office & Professional Employees International Union, Local No. 9** and of the International Union."

**Section 8.** All members shall be good standing members and entitled to participate fully as members in the affairs of this Union until expelled or suspended and not reinstated or until such members have been issued withdrawal cards in accordance with the Constitution and Bylaws of this Union.

- Section 9.**
- (A) Members of this Union who retire may continue their membership by paying dues of Two dollar (\$2.00) per month.
  - (B) The retired member who elects to pay said dues shall be eligible to participate in social and recreational functions sponsored by the Local and to attend Local membership meetings. However, she/he shall not have a voice or vote on actions relating to the regular business of the Local.
  - (C) As a retired participating member, she/he shall receive newsletters and periodicals provided for the regular members.

**Section 10.** Associate membership shall be members of Associations and/or Guilds who do not have negotiated contracts. Associate members become members for the purpose of Legislation and the means to have affiliation for Health Care, Retirement Plans and Union Privilege Programs. Associate members shall have voice but no vote nor can they become elected Officers of OPEIU Local #9. Affiliated Associations and/or Guilds may form a Unit for meeting within their jurisdiction to co-ordinate their efforts and may appoint/elect Chairpersons and Committees to serve their unit.

## ARTICLE VI - FINANCES

**Section 1.** The revenue of this Union shall be derived from initiation fees, reinstatement fees, dues, assessments and such other monies as may be approved by a majority vote of the members present at a general or special membership meeting.

**Section 2.** The initiation fee for candidates for membership in the Union shall be fifty dollars (\$50.00) provided, however

- (A) That no initiation fee shall be required by the Local Union of any person furnishing a copy of the honorable discharge from "ACTIVE" duty in the Armed Forces of the United States or Canada within a period of one (1) year from date of discharge.
- (B) That any former member of a union affiliated with the **American Federation of Labor and Congress of Industrial Organizations** not under the jurisdiction of the International Union who accepts employment under the jurisdiction of this Union shall, within a period of two (2) years from date of issuance (provided that her/his former Union has a reciprocal plan of accepting withdrawal cards from Local Unions of the International Union in lieu of an initiation fee), upon application for membership and irrevocable surrender of an honorable withdrawal card or evidence of honorable termination of membership in those instances where unions do not issue withdrawal cards and upon payment of three (3) months' dues in advance, if accepted in this Union, be inducted into this Union without payment of any initiation fee (the Secretary-Treasurer of this Union to forward such evidence to the International Secretary-Treasurer in lieu of initiation fee on such applicant); and provided further
- (C) That, when in the judgment of the President of the International Union it shall be deemed by her/him to be in the best interests of the International Union to waive initiation or reinstatement fees, in whole or in part, in connection with any particular organizing campaign, the President of the International Union shall be empowered to waive such fees if this Union shall so request; and provided further
- (D) That the Executive Board may, in organizing campaigns and with the approval of the International Union, reduce the initiation fee.

**Section 3.** The reinstatement fee for suspended members desiring to reinstate in this Union shall be Forty dollars (\$40.00) in addition to the current month's dues. Any member three (3) months' delinquent in dues will be automatically suspended from membership and subject to the reinstatement fee plus unpaid and owed dues.

**SECTION 4.** (A) Dues of this Union are due and payable on the first day of each month according to the following schedule:

- (1) All members working more than twenty (20) hours per week shall pay two (2) times their hourly wages and all increments shall be rounded off to the next fifty cents (50¢) i.e., \$9.01 = \$9.50 and totals to \$19.00 per month union dues - \$9.51 = \$10.00 and totals to \$20.00 per month union dues;
  - (2) All members working twenty (20.0) hours or less per week shall pay one-half of the capped dues rate per month;
  - (3) Effective July 1, 2010, the monthly dues shall be capped at Forty-four dollars (\$44.00) per month. In addition, any International Union per capita increases shall be added to the cap and the new capped dues rate shall be rounded off to the nearest dollar effective July 1<sup>st</sup> of each year.
  - (4) All rates shall be determined by each member's hourly rate of pay as of June 1st of each year and dues shall be increased effective July 1st of each year.
- (B) The Secretary-Treasurer shall not accept any dues from any member until all initiation fees, reinstatement fees or assessments owed by such member shall have been paid and all disciplinary action, if any, has been resolved.
- (C) Whenever a member is on temporary layoff or does not work forty (40.0) or more hours per month, the member will be permitted to pay her/his individual per capita tax costs for the purpose of maintaining

her/his good standing, provided she/he submits a written request stating the date of layoff over her/his signature after the eighteenth (18th) day of each month.

- (D) The 1998 dues structure for Associations and/or Guilds, ONLY, shall be \$13.00 per person per month--- payable one (1) year in advance on a yearly basis or monthly dues checkoff. Any yearly increases mandated by the OPEIU International Union shall be added to this dues structure.

**Section 5.** No assessment of any kind can be made by this Union except as voted by secret ballot by a majority of the membership present at a meeting called for that purpose and of which all members have been notified at least fifteen (15) days in advance; and provided further that such assessment must be subject to the approval of the President of the International Union in advance of being levied. This Union shall not assess its membership more than One dollar (\$1.00) per member per month or more than Four dollars (\$4.00) per member in any fiscal year except that in emergency situations this Union may make additional assessments, with the permission of the President of the International Union.

**Section 6.** The funds of this Union cannot be divided among the individual members. Expenditures of this Union shall be only for valid purposes of this Union and in all cases shall be made by check signed by the Secretary-Treasurer and countersigned by the President or Vice President.

**Section 7.** A petty cash fund not to exceed One Hundred Dollars (\$100.00) shall be maintained by the Secretary-Treasurer to pay necessary immediate petty cash demands upon this Union. Replenishment of this fund shall be by check, the amount of each such check shall not exceed the total of paid out vouchers for prior disbursements. The trustees shall audit all petty cash transactions quarterly.

**Section 8.** The initiation fees, reinstatement fees and other obligations owed by this Union to the International Union shall constitute a preferred claim and must be paid promptly by this Union each month prior to the payment of any other obligations of this Union.

**Section 9.** The fiscal year of this Union shall be the twelve (12) month period ending with the last day of the month of December of each year.

**Section 10.** The Union shall maintain a separate fund known as the Legal Defense Fund. The Legal Defense Fund shall be used for the purpose of defense of the Union including, strike expenditures, arbitration costs, litigation or other unusual expenses approved by the Executive Board and the membership. Contributions to the Legal Defense Fund shall be \$1.00 per member per month paid from the current membership dues outlined in Section 4 of this Article. The fund shall also be augmented by transfers from the General Fund as approved by the Executive Board. The funds shall be invested or deposited in banks or other financial institutions, in amounts not to exceed the maximum insurable amounts with insurance provided by the Federal Deposit Insurance Corporation or the National Association of Credit Unions in the United States. The funds may also be invested in securities issued or guaranteed by the United States Government. Whenever possible and feasible the funds will be deposited in financial institutions that are under contract to the Office and Professional Employees International Union, AFL-CIO-CLC.

## **ARTICLE VII - WITHDRAWAL, MILITARY SERVICE CARDS AND WORK PERMITS**

**Section 1.** A member may submit a written request to Local 9 for a withdrawal card when the member is no longer employed under the jurisdiction of Local 9, provided the member will not lose insurance or pension benefits in doing so.

**Section 2.** Military service cards will be issued to members who are on active duty in the Armed Forces of the United States or Canada, provided their union dues and any assessments are paid up to date of entering active service. Members returning from active military service must deposit their military service cards along with a copy of discharge papers within sixty (60) days of discharge and in so doing will be excused from paying a reinstatement fee.

**Section 3.** This Union may issue work permits to persons employed for a period not exceeding ninety (90) days for work within the jurisdiction of the Union in establishments where this Union has Union Agreements, which work permit shall allow such person to work without the payment of an initiation fee and dues provided, however, that any such person may apply at any time during such period for membership in this Union. Such permits shall be issued monthly and the charge shall be the same as this Union's regular monthly dues.

**Section 4.** Any person bearing a withdrawal card or work permit shall not be entitled to participate in the operation of this Union. A person bearing a withdrawal card and who has complied with the conditions of same shall, upon resuming or commencing work within the jurisdiction of this Union, deposit such card and thereafter shall be admitted to membership in this Union without the payment of an initiation fee.

**Section 5.** Withdrawal and military service cards and work permits shall be issued by the Secretary-Treasurer of this Union and monthly reports of all such cards and permits issued, deposited or canceled shall be made to the Secretary-Treasurer of the International Union.

**Section 6.** All withdrawal and military service cards and work permits shall be secured by this Union from the Secretary-Treasurer of the International Union.

## **ARTICLE VIII - MEETINGS**

**Section 1.** Regular meetings of the membership of this Union shall be held on the third (3rd) Tuesday of every month except for the months of July, August and December. Should any business require special action and attention, a special meeting may be called for the purpose, but said meetings shall not take place on the day of adjournment of the regular meeting.

**Section 2.** A special meeting of this Union may be called by the Executive Board or shall be called upon a request submitted to the President by at least fifteen (15) members in good standing. The request must be in writing and shall state clearly the purpose/s for which the meeting is requested and no other business shall be transacted at such special meeting.

**Section 3.** The Recording Secretary shall send out notices of any special meeting, stating the purpose for which it is called, to all members at least fifteen (15) days before it convenes.

**Section 4.** Only members fulfilling the requirements of **Article V** of this Constitution and Bylaws shall be eligible to attend meetings of this Union and to participate to the extent set forth in **Article V**, except that invited guests of the Executive Board or of this Union may attend and participate to the extent of the purpose for which they were invited, but shall not vote.

**Section 5.** A quorum of this Union shall consist of twelve (12) members in good standing to do business at any regular or special meeting.

**Section 6.** The Executive Board shall meet in regular session on the third (3rd) Tuesday of every month prior to the regular membership meeting, except during the months of July, August and December when such meetings may be suspended. Should the business of OPEIU Local No. 9, AFL-CIO-CLC necessitate a longer meeting, the board will then meet on the second (2nd) Tuesday of the month.

**Section 7.** Special meetings of the Executive Board may be called by the President or the Business Manager and must be called by them upon request of the majority of the members of the Executive Board.

**Section 8.** All members of the Executive Board shall be given at least twenty-four (24.0) hours' notification of any special meeting of the Executive Board.

**Section 9.** A majority of the Executive Board shall constitute a quorum to do business at all of its meetings.

**Section 10.** All members within a bargaining unit shall be given at least forty-eight (48.0) hours' notice for ratification of their contract, either by written posting to the Steward/s or by telephone from the Local 9 office staff. This notice may be waived by the bargaining unit.

## ARTICLE IX - OFFICERS AND EXECUTIVE BOARD

**Section 1.** The elective officers of this Union shall consist of a President, Vice President, Secretary-Treasurer, Recording Secretary, three (3) Trustees and Executive Board members as provided for in **Article IX, Section 3.**

**Section 2.** The Executive Board shall consist of the President, Vice President, Secretary-Treasurer, Recording Secretary, three (3) Trustees and Executive Board members. The Business Manager and Business Representative/s shall be members of the Executive Board with a voice but no vote.

**Section 3.** There shall be one (1) Executive Board member for each one hundred (100) members or fraction thereof.

**Section 4.** No member shall hold more than one (1) office as specified in **Section 1** of this article at one and the same time.

**Section 5.** The term of office of the elected officers of this Union shall be for two (2) years.

## ARTICLE X - NOMINATIONS, ELIGIBILITY, ELECTIONS

**Section 1.** (A) Nominations for President, Vice President, Secretary-Treasurer, Recording Secretary, three (3) Trustees and Executive Board members shall take place at the regular membership meeting in April of each odd numbered year.

(B) No person shall be elected or appointed to an office of this Union unless she/he has been a member of this Union in continuous good standing for at least the preceding twelve (12) months prior to election or appointment.

(C) If there is but one (1) candidate for each office, the election shall be dispensed with. Any candidate that is unopposed shall be declared the winner and their name shall not be placed on the ballot.

**Section 2.** At the close of nominations at the April meeting of each odd numbered year, it shall be the duty of the President to appoint an Election Committee of not less than three (3) tellers or more than five (5) tellers, who must meet with the approval of the membership and must not be a candidate for any contested office. The President shall designate the Chairperson of the Election Committee.

(A) After nominations and those nominated are found to be qualified, the tellers shall have ballots prepared. The ballots shall include the candidate's name. In order to determine position on the ballot, the tellers referred to in this Article shall draw lots in the presence of the Recording Secretary.

(B) All members in good standing as of the close of the May meeting shall be eligible to vote.

(C) The ballots shall be mailed to all eligible members within one week following the May meeting.

(D) The Election shall be by mail ballot sent to each eligible member's last known address. No other matter shall be enclosed in the envelope except the ballot, two (2) envelopes and a copy of the voting instructions. The large envelope shall have printed on the upper left corner, the words "Ballot of:" for the members name and address and shall be postage-paid pre-addressed for return of the ballot to the Election Committee. The word "Ballot" shall be printed in bold letters on the face of the small envelope.

(E) The member voting shall indicate their choice by marking a cross (X) or Check (✓) opposite the name of the candidate selected. Write-in votes shall not be valid, counted or considered. The voter shall then enclose their ballot in the small envelope (marked "Ballot") without writing or other means of identification upon it, seal and enclose the envelope in the postage-paid return envelope. Any "Ballot" envelope with writing or other means of identification upon it shall not be valid, opened, or counted. The voter must place her/his name and return address in the upper; left corner of the return envelope. Any ballot received without the Member's name and return address shall not be valid, opened or counted.



- (F) The Chairperson of the Election Committee shall rent a post office box for the return ballots. All returned ballot envelopes will be picked up from the post office box, by at least two (2) members of the Election Committee, on the 2<sup>nd</sup> Tuesday of June. The tellers shall receive an alphabetical list of all members eligible to vote. Tallying shall begin immediately following the ballots being picked up from the post office on the 2<sup>nd</sup> Tuesday of June. The Chairperson of the Election Committee will advise all candidates of the time and location of the ballot counting. Each candidate or her/his designated observer may be present to witness the counting.
- (G) The Election Committee shall, prior to opening the envelope in which the official ballot has been inserted, check off all the names of the members on the list provided. They shall then proceed to open all the envelopes and deposit the sealed envelopes marked "Ballot" in the ballot box. The envelopes in which the ballots are enclosed shall then be opened and the votes tallied.
- (H) The Chairperson of the Election Committee shall report the results of the vote to any candidates immediately following the tally and at the General Membership meeting in June of each odd numbered year.

**Section 3.** Officers and Executive Board Members shall subscribe to the obligation of office at the general membership meeting in the month of June of each odd numbered year and shall officially assume the duties of office on July 1 of each odd numbered year.

**Section 4.** The officers of this Union shall be elected by a plurality of the votes cast by the voting membership by secret ballot.

**Section 5.** Before entering upon the duties of their respective offices, the newly elected officers shall subscribe to the following obligation:

"I, \_\_\_\_\_, do solemnly pledge my word and honor before these witnesses that I will, to the best of my abilities, perform the duties of my office. At the close of my official term, I will turn over to my successor all books, records and all other properties, including funds, of this Local Union that may be in my possession. I will also deliver all such properties to the International Union upon lawful demand. I will at all times devote my efforts to further the objectives and best interests of my Union."

**Section 6.** Should any officer, during the term of their office, absent herself/himself without a reasonable or lawful excuse from three (3) meetings of the membership and/or the Executive Board which she/he is supposed to attend, her/his office shall be declared vacant.

**Section 7.** It shall be the duty of the President, at the next general membership meeting after a vacancy occurs, to appoint an officer to fill the unexpired term. Such appointment/s must be approved by the Executive Board. If the President's office is vacated, the Vice President shall fill this office for the unexpired term.

**Section 8.** The Union shall be required to mail notices of nomination and election of officers to the membership in good standing to their last known addresses, such notices to be mailed not later than fifteen (15) days preceding such nomination or election.

**Section 9.** This Union shall furnish the tellers with those records of the Union which show the standing of each member.

## ARTICLE XI - DUTIES OF OFFICERS

**Section 1.**     **President** - It shall be the duty of the President to preside at all meetings of this Union; to preserve order during its deliberations; to sign all orders on the treasury when ordered by this Union; to appoint all committees not otherwise ordered; to be responsible for planning of organization work and to transact such other business as may of right pertain to her/his office and which may be necessary for the proper functioning of this Union. Further, it shall be the duty of the President to appoint delegates to fill all vacancies for unexpired terms as they occur. Such appointments shall be reported to the next membership meeting.

**Section 2.**     **Vice President** - The Vice President shall perform the duties of the President in the absence of that officer and, in the case of resignation, death or removal for cause of the President, shall perform the duties of the President. She/he shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge her/his duties. The Vice President shall serve as ex officio member of all committees.

**Section 3.**     **Secretary-Treasurer** - The Secretary-Treasurer shall perform the following duties:

- (A) She/he shall keep all financial accounts of this Union and shall maintain correct and proper accounts of all its members. She/he shall collect all initiation and reinstatement fees, dues, assessments and fines from members of this Union. She/he shall make all disbursements for this Union as provided in **Article VI** of this Constitution and Bylaws. She/he shall keep a correct record of all monies received and expended and prepare financial statements of calendar months to be submitted to the Secretary-Treasurer of the International Union monthly and to the next regular meeting of the Local Union. All records, financial or otherwise, shall be secured at the Local 9 Office at all times.
- (B) She/he shall be properly bonded with a faithful performance of duty bond by a bonding company and under a bond approved by the Secretary-Treasurer of the International Union. She/he shall deposit all funds of this Union in a bank recommended by the Trustees. She/he shall submit her/his books and records to the Trustees for audit and approval whenever called upon to do so and upon the expiration of her/his term, turn over to her/his successor all properties and assets, including funds, books and records of this Union. Before turning over such properties and assets to her/his successor, she/he must see to it that such successor is properly bonded. She/he shall turn over all properties and assets, including funds, books and records, to the Secretary-Treasurer of the International Union or her/his duly authorized representative when properly called upon to do so.
- (C) She/he shall transmit monthly to the Secretary-Treasurer of the International Union all financial obligations owing to the International Union not later than the fifteenth (15th) day of the following month. She/he shall follow such accounting and reporting procedure as shall be formulated by the Secretary-Treasurer of the International Union. She/he shall be required to make monthly reports to the Secretary-Treasurer of the International Union of all dues paying members on forms prescribed by the Secretary-Treasurer of the International Union. She/he shall be required to include in each monthly report the social security number, name and address of all newly initiated, transferred, reactivated and inactive members, members who have withdrawn, died or have been suspended (including members automatically suspended upon becoming three (3) months delinquent in dues) or expelled and the names of all persons to whom working permits were issued during the month.

**Section 4.**     **Recording Secretary** - The Recording Secretary shall perform the following duties: She/he shall have charge of all books, papers and effects of this Union pertaining to her/his office. She/he shall keep a correct record of all Union meetings and of all meetings of the Executive Board of this Union.

**Section 5.**     **Trustees** - The Trustees shall audit the books of the Secretary-Treasurer at least quarterly and at the close of each fiscal year and shall report each such audit to this Union and to the Secretary-Treasurer of the International Union. They shall see to it that the duties of the officers of this Union are carried out and shall report to the membership the failure of any officer to perform her/his duties.

## ARTICLE XII - DUTIES OF EXECUTIVE BOARD

- Section 1.** The President of this Union shall act as chairperson of the Executive Board.
- Section 2.** The Executive Board shall represent the Union between meetings of the Union when urgent business requires prompt and decisive action. In no case, however, shall the Executive Board transact any business that may affect the vital interests of this Union until the approval of the body is secured.
- Section 3.** The actions of the Executive Board shall be determined by the majority vote of its members present.
- Section 4.** The Executive Board shall report at the next regular meeting of the Union, for approval or otherwise, on all matters acted upon. It may also make recommendations to the meetings of the Union on matters brought properly to its attention.
- Section 5.** The Executive Board shall employ, with the approval of the membership, a business manager, office personnel and organizers as may be necessary to carry on the work authorized by the Union.
- Section 6.** It is the duty of the Executive Board to see that financial officers and others handling funds of this Union are properly bonded.
- Section 7.** It shall be the duty of the Executive Board to approve and/or authorize drafting of statements to the press that relate to the internal affairs of this Union.
- Section 8.** The Union's endorsements for political offices must be approved by a two-thirds\_(2/3) vote of the members present and voting at a regular membership meeting.

## ARTICLE XIII - BUSINESS REPRESENTATIVES

- Section 1.** The Business Manager shall direct the organizing, conduct negotiations, handle all grievances referred to her/him and shall be responsible for the management of the business office.
- Section 2.** The Business Representative/s shall carry out all assignments as directed by the Business Manager. She/he shall take over the duties of the Business Manager in her/his absence.
- Section 3.** The Business Manager and the Business Representative/s shall attend all meetings of the Executive Board and have a voice but no vote.
- Section 4.** No person hired from outside this Union to be Business Manager/Representative shall be allowed to run as an officer of the Local.

## ARTICLE XIV - COMPENSATION

- Section 1.** Any member specifically instructed by the Union to perform any particular service in its behalf and acting in accordance with such instructions may be reimbursed for all actual salary loss experienced and may be compensated for actual expenses incurred.
- Section 2.** No compensation, except as provided in **Section 1** of this Article, shall be paid to any elected officer of this Union except as may be authorized and determined by the membership prior to nominations for regular or special elections of such officer.
- Section 3.** Compensation for representatives of this Union (other than for those specified in **Sections 1 and 2** of this Article) shall be as fixed by vote of the membership prior to the nomination and election or the hiring of such representatives. Such compensation shall prevail during the employment period specified by this Union.

## ARTICLE XV - AFFILIATIONS AND DELEGATES

**Section 1.** This Union shall be affiliated with the STATE AFL-CIO Organizations and AFL-CIO Labor Councils where Local 9 maintains membership.

**Section 2.** Delegates to the above-mentioned labor organizations shall be elected by a plurality of the votes cast at a regular meeting of this Union of which the membership has been notified in advance.

**Section 3.** Delegates to the International Union convention shall be selected in accordance with the provisions of the International Constitution. The President shall, by virtue of their office, serve as one of the delegates.

**Section 4.** Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Union and protect its interests and properly present and support its declared policies and instructions. They shall report to this Union the proceedings of the organization to which they are delegates and perform such other duties as pertain to their office.

**Section 5.** Delegates to the International Union Educational Conference shall be members in good standing for at least one year.

## ARTICLE XVI - OFFENSES AND PENALTIES

**Section 1.** In cases involving disciplinary action, there shall be no resort to a court of law until such relief within the Local Union under its Constitution and Bylaws and within the International Union under its Constitution has been exhausted.

**Section 2.** A member may be penalized for committing any one or more of the following offenses:

- (A) Working for an employer against whom the Union has declared a strike or whom the Union has declared to be unfair, unless permission has been granted by proper officers of the Union;
- (B) Working for less than the rate of pay provided for by the contract with the Union;
- (C) Permitting any other person to use or work on her/his membership book;
- (D) Failure to appear before the Executive Board or the Trial Board when ordered to do so;
- (E) Obtaining membership through fraudulent means or by misrepresentation;
- (F) Violation of the oath of membership or office, if an officer;
- (G) Any acts of misconduct which are detrimental to the best interests of the Union. Conduct unbecoming a member of the Union; violation of any provisions of the Constitution and Bylaws of this Union or of the Constitution of the International Union.

**Section 3.** Any member who has been found guilty of any of the above offenses or of violation of the International Union's Constitution by the Trial Board may be disciplined by action of the Trial Board.

**Section 4.** Any member of this Union who becomes three (3) months' delinquent in her/his dues shall be automatically suspended.

## ARTICLE XVII - DISCIPLINE AND TRIALS

**Section 1.** This Union, acting in accordance with and through the following procedure, shall have the power to suspend, expel and discipline, by fine or otherwise, any member of this Union for violating the Constitution of the International Union or the Constitution and Bylaws of this Union or for engaging in any activity or course of conduct which is contrary or detrimental to the welfare or best interests of this Union provided, however, that any member of this Union who becomes three (3) months' delinquent in her/his dues shall be automatically suspended.

**Section 2.** No member shall be suspended (except for nonpayment of dues), expelled or disciplined until she/he has been given an impartial trial and found guilty of such charges that have been preferred against her/him.

**Section 3.** Action against any member under this Article shall be taken by filing written charges with the Executive Board. The Secretary-Treasurer or some other officer acting in this capacity shall mail a copy of said charges against the member by registered mail, return receipt requested, to the last known address of said member.

**Section 4.** Within two (2) weeks after a copy of the written charges has been forwarded by registered mail, the Executive Board shall appoint an impartial Trial Board, consisting of five (5) members in good standing, to hear the charges against said member.

**Section 5.** If the Executive Board fails to appoint a Trial Board within the two (2) week period designated herein, the membership shall, at their next meeting, nominate from the floor and elect such a Trial Board.

**Section 6.** The Trial Board shall, not earlier than one (1) week after service of charges on the accused, conduct a fair and impartial hearing of the written charges at a date, time and place fixed by said Trial Board. The accuser and the accused shall be given reasonable notice of such hearing and be entitled to representation before the Trial Board. The accuser and the accused shall be required to appear and permitted to present witnesses and evidence relative to the written charges and to cross-examine anyone testifying.

**Section 7.** After the hearing, the Trial Board, or a majority thereof, shall render its decision, in writing, to both the accused and the accuser, file a copy with the Secretary-Treasurer and make an oral report of said findings at the next Executive Board and General Membership meeting of this Union.

**Section 8.** The decision of the Trial Board, once rendered, shall remain in force until reversed, amended or rescinded and shall be effective at the time specified by the Trial Board, but not sooner than the next regular meeting of this Union provided, however, that in cases of great emergency where the interests of this Union can be protected in no other way, the Trial Board is empowered to suspend prior to the next regular meeting.

**Section 9.** The decision of the Trial Board may be appealed, but such appeal must be made to the membership at the next meeting of this Union. If the decision is appealed, it shall require a majority vote of the members present at such meeting to sustain the decision of the Trial Board provided, however, that it shall necessitate a two-thirds (2/3) vote of the members present at such meeting to sustain a decision of expulsion.

**Section 10.** Any member disciplined in accordance with this Article shall stand suspended from all rights and privileges until the requirements of the sentence of punishment have been fulfilled.

**Section 11.** If any authorized appeal is taken within the Local Union, then an aggrieved party may appeal to the International Union Executive Board at its next meeting. Such appeal must be filed, in writing, with the International Secretary-Treasurer within twenty (20) days after any final decision within the Local Union and must state the basis of such appeal with reasons why the decision of the Local Union should be reversed or set aside.

**Section 12.** In any case, there shall be no resort to a court of law until all relief within the International Union under its Constitution has been exhausted.

**Section 13.** In the event the accused shall fail to appear at the hearing before the Trial Board after due and proper notice to appear as herein provided and in the event such a member is unable or unwilling to present a reasonable excuse for such nonappearance, said Trial Board shall have authority to proceed with the trial and discipline in absentia such member.

## ARTICLE XVIII - COMMITTEES

- Section 1.** (A) In addition to other committees and boards established by this Constitution and Bylaws, this Union shall provide for such other standing committees and from time to time such special committees as may be proper and necessary to conduct the business of this Union.
- (B) The standing committees shall be: Constitution Committee, Legislative and V.O.T.E. (Voice of the Electorate) Committee, Education and Membership Committee, Recreation Committee, and Website Committee.

**Section 2.** In establishing such other committees, the duties of the committee, the extent of its authority and the permissible amount of expenditures that may be made by such a committee must be made a part of the minutes. In any event, such committees shall not be permitted to exercise functions belonging to other committees or boards, shall not make or authorize expenditures without the prior approval of the membership and shall not exceed the authority granted to them by the membership. The Vice President shall be an ex officio member of all committees.

**Section 3.** The President shall appoint all committees unless otherwise ordered by the membership or otherwise established by this Constitution and Bylaws. In case of the absence or inability of a committee member to act, the President shall be empowered to appoint a substitute.

## ARTICLE XIX - STEWARDS

**Section 1.** Members of the Union working together may be entitled to Steward representation where deemed necessary to adequately service such members. Stewards shall be elected by and from these members. Stewards must be willing: to become very knowledgeable of the contract, to conduct fair and complete investigation, to keep all information obtained in an investigation confidential from other co-workers, to fairly represent all co-workers equally (despite any personal differences), and to attend any and all steward training.

**Section 2.** The number of Stewards for each bargaining unit and their apportionment among the various departments shall be determined by the Business Representative/Manager in consultation with any existing Stewards.

**Section 3.** The Business Manager shall be responsible for holding elections for Stewards in each bargaining unit as necessary, except that the Executive Board may, in exceptional circumstances and subject to appeal to the membership, declare any Steward's post vacant and appoint a member to fill such position pro tem.

- Section 4.** (A) Vacancies occurring among the Stewards shall be filled by election in the same manner as herein provided.
- (B) If no candidate/s come forward for election to the position of Steward, the President may appoint a Steward based on consultation with the Business Representative/Manager.

**Section 5.** Only in accordance with the procedures set up in the **Collective Bargaining Agreement** shall the Stewards and/or the Steward Committee initially attempt to settle disputes, grievances or complaints.

**Section 6.** A written record of all disputes, grievances or complaints, including their dispositions, shall be kept on file.

**Section 7.** In addition, the Secretary-Treasurer of this Union may, at her/his discretion, assign to any Steward the additional duty of collecting dues, fines and assessments, initiation and reinstatement fees to be turned over to the Secretary-Treasurer at such time or times each month as she he may determine.

**Section 8.** Any compensation for any of the duties mentioned in this Article shall be in accordance with **Article XIV** of this Constitution and Bylaws except that no such member shall be exempt from paying dues.

**Section 9.** Stewards of this Union shall meet together at the request of the Executive Board. These meetings shall be open to any member and shall be limited to discussion of the problems and functions of Stewards, exchanging of experiences as Stewards and recommendations to the Executive Board matters relating to their duties.

## ARTICLE XX - STRIKES

- Section 1.** (A) In the event of a dispute between any member/s of this Union and a particular employer or employers, this Union shall not call a strike against such employer/s unless a majority of the members of this Union employed by such employer/s present at a called meeting, for which all such members have been notified, so request by secret ballot and provided, finally, that approval of the Local Executive Board and the President of the International Union shall be obtained.
- (B) Approval of the President of the International Union shall not be construed as approval, ratification or participation by the International Union in any particular activity of the Local Union involving such strike and shall imply no more than that such strike is not contrary to the best interests of the International Union, its Local Unions and its members.

**Section 2.** Strikes against any employer or employers may be terminated if a majority of the members of this Union employed by such employer/s so request by secret ballot and provided such action is concurred in by a majority of the members of this Union or the Executive Board of this Union present at a regular or special meeting of either, voting by secret ballot.

## ARTICLE XXI - RULES OF ORDER

**Section 1.** The rules contained in **Roberts Rules of Order Revised** shall govern this Union in all cases in which they are applicable and in which they are not inconsistent with this Constitution and Bylaws or the standing rules of this Union.

**Section 2.** All of the standing rules of this Union shall be listed under "**Standing Rules**", attached to this Constitution and Bylaws. Any such rules may be suspended by a majority vote or they may be amended or rescinded by a two-thirds (2/3) vote. If notice of the proposed action was given at the previous meeting and in the call for the present meeting, they may be amended or rescinded by a majority vote. If any of the standing rules are permanently amended or rescinded, such amendment or rescindment shall be filed with the President of the International Union.

**Section 3.** The use of profane and indecorous language during the meeting is prohibited as being against the decorum and dignity of the meeting.

**Section 4.** No member shall be allowed in the meetings in an intoxicated state.

**Section 5.** No member shall interrupt a debate except on a question of privilege, point of order, to make a motion or reconsider to move, division of the question or point of information.

**Section 6.** Any conversation, by whispering or otherwise, or other conduct which is calculated to disturb a member while speaking or hinder the transaction of business shall be deemed a violation of order.

**Section 7.** Each member, when speaking, shall confine herself/himself to the question under debate and avoid all personal, indecorous or sarcastic language.

**Section 8.** Sectarian discussion shall not be permitted in the meetings under any circumstances.

**Section 9.** All questions, unless provided otherwise in **Roberts Rules of Order Revised** or by this Union's laws, shall be decided as a majority vote of good standing members present may direct.

## ARTICLE XXII - GENERAL PROVISIONS

**Section 1.** Copies of all **Collective Bargaining Agreements** entered into by this Union shall be filed by the Business Manager of this Union at International headquarters and all such Agreements, together with such information as may be necessary for a proper understanding of the Agreement, shall be submitted to the President of the International Union with the understanding that the International Union assumes no responsibility for any agreement to which it is not an actual party.

**Section 2.** This Union assumes no responsibility for the acts or actions of individual members not expressly directed or authorized by this Union or its duly authorized representatives and no agreement shall be binding on this Union unless signed by officers or representatives authorized by this Union to act for it.

**Section 3.** The original signed copy of each agreement entered into shall be kept in the files of this Union.

## ARTICLE XXIII - INTERNATIONAL CONSTITUTION

**Section 1.** The Constitution of the International Union shall be paramount law applying to the government of this Union and all provisions of said International Union Constitution, insofar as the same are or may be applicable to the affairs and activities of this Union, are hereby by reference thereto, incorporated into and made a part of this Constitution and Bylaws and any provision contained herein which is contrary to or in conflict with the provisions of the International Union Constitution shall be inoperative and of no effect except as the International President may otherwise specifically approve.

## ARTICLE XXIV - AMENDMENTS

**Section 1.** A proposed amendment to this Constitution may be presented, in writing, by the Executive Board, or by a petition containing the proposed amendment which has been signed by at least twelve (12) members in good standing. Such petition must be presented to the Executive Board before it can be considered by the body.

**Section 2.** The Executive Board shall include the proposed amendment in its minutes to be read at the next membership meeting in its entirety. There can be no vote or discussion on the subject of the amendment at that meeting, but it shall be held over until the succeeding membership meeting.

**Section 3.** The meeting notice for the succeeding meeting will contain a statement informing the members of the nature of the proposed amendment and that a vote will be taken at said meeting. A vote of two-thirds (2/3) of the members present and eligible to vote on such matters under the Local Constitution, shall be required to constitute acceptance of the proposed amendment to this Constitution and Bylaws, except that changes in revenue as noted under **Article VI - Finances, Section 1**, may be approved by a majority vote.

**Section 4.** No amendment to this Constitution and Bylaws shall take effect until the approval of the President of the International Union has been secured.



## STANDING RULES

The following are the standing rules of this Union:

(A) The order of business of regular meetings of this Union shall be as follows:

- 1) Call meeting to order;
- 2) Pledge of allegiance;
- 3) Appointment of Sergeant-at-Arms;
- 4) Roll call of officers;
- 5) Minutes of previous meeting;
- 6) Report on new members;
- 7) Obligation of new members;
- 8) Report of Secretary-Treasurer;
- 9) Report of Executive Board;
- 10) Report of Business Manager and Business Representative/s;
- 11) Report of Officers and Committees;
- 12) Report of Delegates;
- 13) Unfinished business;
- 14) Special order of business;
- 15) New business;
- 16) Good and welfare;
- 17) Adjourn.

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