

SHEET METAL | AIR | RAIL | TRANSPORTATION

SMART®

FOCUS ON THE FUTURE



Constitution and Ritual

REVISED AND AMENDED BY THE AUTHORITY OF THE

2ND SMART GENERAL CONVENTION

HELD IN LAS VEGAS, NEVADA | AUGUST 12-16, 2019

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

AND AFFILIATED LOCAL UNIONS, STATE, DISTRICT, PROVINCIAL AND REGIONAL COUNCILS, LOCAL COMMITTEES
OF ADJUSTMENT, GENERAL COMMITTEES OF ADJUSTMENT AND STATE LEGISLATIVE BOARDS

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Constitution and Ritual

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

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

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HELD AT LAS VEGAS, NEVADA
AUGUST 12-16, 2019

Preamble

Realizing the advantage and necessity of cooperative effort properly and legally directed to fully develop and demonstrate the possibilities of our trade in the various fields of industry and to protect our rights in connection therewith, we hereby pledge our united efforts and support as members of the International Association of Sheet Metal, Air, Rail and Transportation Workers to the accomplishment of said purpose.

In this age of organized effort, it is essential that those engaged at our trade must likewise organize in order to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every good citizen is entitled in return for their labor from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay.

For reasons stated herewith, we adopt this Constitution and Ritual and pledge our support and allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers of the United States and Canada, and as members thereof, we agree to be governed by the provisions, requirements, purpose and intent of this Constitution and all subsequent amendments thereto.

Article Twenty-One B (21B) sets forth the political structure and functioning of the Transportation Division including the selection, authority, duties and responsibilities of its officers. Other parts of the Constitution govern the operation of the association as a whole, including the Transportation Division. Where application of other parts of the Constitution to the Transportation Division would negate the provisions of Article Twenty-One B (21B), it is presumed that this is not the intent of the Constitution. Some provisions of the Constitution plainly apply to sheet metal workers and are to be interpreted as applying only to sheet metal workers unless there is no conflict between such provisions and Article Twenty-One B (21B) and application is necessary to address questions not answered in Article Twenty-One B (21B) or to provide uniformity in the administration of the association.

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Constitution

ARTICLE ONE (1) International Association

SECTION 1 – NAME AND LOCATION

1

SEC. 1. This organization shall be known as International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) and its principal office shall be located in the Washington, D.C. metropolitan area. The Transportation Division (TD) is located in the Cleveland, Ohio area. Divisions of the International Association, or functions thereof, may be located elsewhere, if the General President, subject to approval of the General Executive Council, determines such action is necessary. The General Executive Council shall have the authority to amend the name of the organization between conventions to any other name so long as the words “Sheet Metal” and “Transportation” remain in the name.

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SECTION 2 – MEMBERSHIP

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

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SECTION 3 – GOVERNMENT

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SEC. 3. The final jurisdiction over subjects pertaining to this Association and the ultimate government, supervision and superintendence of all divisions, local unions, state, provincial, district and regional

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25 councils, local committees of adjustment, general committees of
26 adjustment, legislative boards and the officers and members thereof
27 shall be vested in the duly elected, qualified and seated delegates in
28 the regular or special Convention of this Association. No executive
29 or judicial authority or jurisdiction herein conferred upon divisions,
30 local unions, state, provincial, district and regional councils, local
31 committees of adjustment, general committees of adjustment, legis-
32 lative boards or the officers or members thereof shall supersede that
33 exercised by such Conventions whether such authority is exercised by
34 such Conventions initially or upon appeal.

35 **SECTION 4 – GOVERNMENT BETWEEN CONVENTIONS**

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

39 **SECTION 5 – TRADE JURISDICTION**

40 **PREAMBLE**

41 **SEC. 5(a).** The work described in this section is not exclusive. The
42 jurisdiction of this Association extends to all work related to, and new
43 processes and products which are similar in function to, that spe-
44 cifically described. The industrial divisions in this section are solely
45 for convenience or reference and show the types of work commonly
46 performed in the industrial sector indicated in the division. The Asso-
47 ciation has established and claims full jurisdiction of these types of
48 work regardless of the industry in which it is performed.

49 **SEC. 5(b).** Each local union and council of this Association and all
50 officers, representatives and members thereof are obligated to recog-
51 nize, protect and to be governed by the jurisdictional rights as set forth
52 herein, and no local union, council, officer, representative, or member
53 thereof shall waive or relinquish claim to any such work or submit

same to arbitration except with the approval and authority of the General President. 54
55

SEC. 5(c). Any and all welding, rigging and hoisting in connection with all work specified in Article One (1), Section 5. 56
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SEC. 5(d). Nothing contained in this Section 5 shall be construed as any limitation on the jurisdictional claims of this Association to production work. 58
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AUTOMOTIVE INDUSTRY 61

SEC. 5(e). Any and all types of sheet metal work, coppersmith work and mechanical work in connection with or incidental to the manufacture, fabrication, assembling, maintenance and repair of automobiles, buses, trucks, airplanes, pontoons, dirigibles, blimps, and other type of aircraft and equipment, and any and all types of aircraft hangars. 62
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SEC 5(f). Any and all sheet metal work used in automotive, industrial and equipment assembly plants including, but not limited to, paint shops, pre-treatment, powder coating systems, all housings and all tanks and associated pans including phosphate and electrocoating regardless of material, blow-off and feather dusting equipment, spray booths, miscellaneous booths, tunnels and canopies regardless of material, all doors required for complete system installation, ovens, heater boxes, air houses, filter boxes, duct systems including plenums regardless of material, ladders, platforms, grillage steel, handrails and associated supports required for complete system installation, abatement systems including but not limited to RTO's, fluidised bed concentrator systems and related components, exhaust gas & air pollution control, stacks and associated components, burner boxes, baghouses, insulated oven panels, all clean room enclosures, eliminator sections, wet and dry scrubbers, any and all welding, rigging signaling and hoisting. 67
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BUILDING ENCLOSURE

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SEC. 5(g). Any and all types of formed, rolled, drawn, stamped, pressed sheet metal shingles, sheet metal tile, sheet metal brick, sheet metal stone and sheet metal lumber, when specified for use as roofing, siding, cladding waterproofing, weatherproofing, fireproofing, soundproofing or for ornamental or any other purpose; the installation of metal composite material (MCM), aluminum composite material (ACM), exterior cladding panel attachment systems and/or sub-framing systems, insulated composite back-up panel systems, fascia trim moldings and appurtenances required for a complete installation; the installation of all forms of nailable substrates (e.g. plywood, pressboard, chipboard, drywall or other laminates) on the roof deck wherever such materials are used as an integral thermal insulation component or support of the roofing system thereto; all laying of felt, paper, membranes, ice shields, air barriers, vapor barriers, rain screen systems or similar underlayment on sloped or flat roof structures, siding and cladding systems regardless of type or material or manufacture; all forms of insulation used as a part of or in connection with roofing, siding and curtain wall; the installation of all extruded, rolled or fabricated metals or any materials that replace same, such as plastics, metal tubes and shapes used as operable or inoperable sun screens, mullions, porcelain, plastic panels, terra cotta panels (Terra Clad or similar), high pressure laminate (HPL) panels (Trespa or similar) and any product used as a rain screen, including glass panels in any or all of the buildings related to store fronts, window wall and curtain wall construction, including welding of attachments to building structure.

SEC. 5(h). Any and all sheet metal work regardless of material specified for use in connection with or incidental to steeples, domes, minarets, lookouts, dormers, louvers, ridges, coping, roofing, decking, hips, valleys, gutters, outlets, roof flanges, flashing, gravel stops, leader heads, downspouts, mansards, balustrades, skylights, metal siding and

composite panels including supports, studs, sheathing, drywall and 114
 related materials, solar shingle panels, PVC metal and all other types 115
 of coated metal or materials used in place thereof, cornice molding, 116
 columns, capitals, panels, pilasters, mullions, spandrels and any and all 117
 other shapes, forms and design of sheet metal work specified for use for 118
 waterproofing, weatherproofing, fireproofing, soundproofing, ornament- 119
 tal, decorative or display purposes, or as trim on exterior of buildings. 120

SEC. 5(i). Any and all types of sheet metal buildings including hangars, 121
 garages, service stations, commercial or storage buildings of permanent 122
 or portable design, whether manufactured, fabricated, or erected to meet 123
 specific requirements or whether constructed of standard patented 124
 units of flat, formed in brake, corrugated, rolled, drawn, or stamped 125
 sheets, shapes and forms of plain, protected or ornamental design. 126

SEC. 5(j). Any and all types of sheet metal marquees, vestibule and 127
 storm door enclosures, window frames, molding, cornices, pilasters, 128
 mullions, panels, sills, heads, awning covers, corner posts, stops, light 129
 trough reflectors and deflectors, bulletin boards and any and all types 130
 of sheet metal signs specified for use in connection with or incidental 131
 to display windows, building fronts, store fronts, and theater fronts, for 132
 fireproofing, weatherproofing, waterproofing, ornamental or display 133
 advertising purposes. 134

ROOFING, DAMP AND WATERPROOFING 135

SEC. 5(k). The right to apply and install (i) Slate, tile, asbestos and 136
 asphalt roofing shingles and all cementing, laying of felt, paper, insula- 137
 tion or other underlayment, dressing, punching, cutting either by hand 138
 or by machinery in connection with slate, tile, asbestos and asphalt 139
 shingles and any and all substitute materials taking the place of slate, 140
 tile, asbestos and asphalt shingles and the removal of slate and tile 141
 when the same is to be re-laid. 142

(ii) Above deck roof self-adhered or fluid applied, air barrier, vapor 143
 barriers, weather resistant barriers of all kinds, roof insulation of 144

145 all kinds, composition and built-up roofing of all kinds including
146 hot and cold applied, single ply application, prepared, plastic, fluid
147 applied, sheet applied and mastic roofing, all associated roof surfacing
148 including aggregates, coating, traffic planks, and decorative finishes.
149 Any materials used as a substitute or taking the place of metal and
150 all forms of elastomeric and/or plastic (elastoplastic) roofing systems,
151 both sheet and liquid, whether single-ply or multi-ply such as bitumi-
152 nous, vinyl, PVC, tile, slate, shingles or similar substitute products.

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

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

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

168 (vi) Any and all materials used in connection with the Environ-
169 mentally Friendly Green Roofing Systems, including roofing, damp
170 proofing, waterproofing and weatherproofing regardless of location
171 and maintenance thereof.

172 CONCRETE FORMS

173 **SEC. 5(1).** Any and all types of sheet metal foundation forms, wall
174 forms, column forms, casings, molding, plain or corrugated domes,
175 slab forms, flat, ribbed or corrugated sheet forms used in connection

with concrete or cement construction, including sheet metal inserts to 176
provide specified openings, also permanent column guards. 177

FOOD PROCESSING / FOOD PREPARATION 178

SEC. 5(m). Any and all sheet metal work in connection with or incidental 179
to the equipment and operation of kitchens in hotels, restaurants, hospi- 180
tals, lunch rooms, drug stores, banks, dining cars, public and semi-public 181
buildings, including ranges, canopies, steam tables, work tables, dish- 182
washers, coffee urns, soda fountains, warming closets, sink drainboards, 183
garbage chutes and incinerators, refrigerators and other sheet metal 184
work in connection with kitchen equipment or refrigerating plants. 185

SEC. 5(n). Any and all types of work for the food processing, pack- 186
aging, bottling or canning industry (human and animal) including but 187
not limited to; hop, juice, dairy, winery, breweries, distilleries, vege- 188
table, potato, cannabis and hemp processing facilities. Including the 189
design, fabrication, handling, setting & installing of all equipment and 190
manufactured components including: decks, catwalks, stairs, handrails, 191
all equipment supports, guarding, augers, spouting, conveyors, chutes, 192
vibratory pans, peelers, blanchers, fryers, dryers, evenflow bins, hop 193
kilns, hop picking machines, tanks, hoppers, packaging equipment, 194
scales, chillers and freezers, pressure vessels, palletizing equipment, 195
shakers, waste clarifiers of waste water, sizers, sorters, de-stemmers, 196
cutters, DynaMisers, any and all welding, rigging, signaling and hoisting. 197

GENERAL SHEET METAL 198

SEC. 5(o). Any and all types of sheet metal window frames, sash, bucks, 199
doors, frames, trim, picture molding, freeze molding, wire molding, chair 200
rail and base panels, wainscoting, mullions, pilasters, sills, permanent 201
vestibule partitions, smoke and fire screens, portable and permanent 202
screens and partitions for hospitals, office, commercial and factory use, 203
toilet, shower and dressing room partitions, elevator and other types of 204
enclosures specified for use as equipment and interior trim. 205

206 **SEC. 5(p).** Any and all types of sheet metal ceilings with cornices
207 and molding of plain, ornamental, enameled, glazed, or acoustic type,
208 and any and all types of side walls, wainscoting of plain, ornamental,
209 enameled, or glazed types, including sheet metal tile, and the applica-
210 tion of all necessary wood or metal furring, plastic or other materials,
211 to which they are directly applied and the interior application of any
212 and all types of sheet metal wall panels, manufactured metal or metal
213 composite material (MCM), aluminum composite material (ACM)
214 panels, high pressure laminate (HPL) panels (Trespa or similar), column
215 covers, trim moldings and related appurtenances required for a com-
216 plete installation.

217 **SEC. 5(q).** Any and all moving picture booths and any and all sheet
218 metal work in connection with indirect lighting systems, including
219 side lights and foot lights in theaters, auditoriums, schools, etc.

220 **SEC. 5(r).** Any and all types of sheet metal furniture and equipment,
221 lockers, shelving, library stacks, warehouse, factory and storage stacks,
222 bins, sinks, drainboards laboratory equipment, etc., specified for use as
223 equipment or incidental to the operation of offices, factories, libraries,
224 hotels, hospitals, apartments, schools, banks, public and semi-public
225 buildings, and for general commercial use, and any and all types of
226 caskets and coffins.

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

230 **SEC. 5(t).** Any and all types of sheet metal chandeliers, lamps and
231 lighting fixtures, ornaments, decorations, household ware, and mis-
232 cellaneous articles for use in factories and mills; any and all types of
233 sheet metal switch boxes, cut-out boxes, panel boards, cabinets and
234 speaking tubes.

235 **SEC. 5(u).** Any and all types of sheet metal badges, buttons and nov-
236 elties with all hard or soft soldering in connection with same by flame
237 or other method.

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

HAZARDOUS MATERIALS / DUCT CLEANING 245

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

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

HVAC / BUILDING INTERIOR ENVIRONMENT266
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SEC. 5(y). This Association has established and claims full jurisdiction over the estimating, project management, manufacture, fabrication, downloading/uploading/inputting electronic information for fabrication, erection or installation, assembling, handling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, commissioning, testing, servicing and maintenance of all Heating, Ventilating, Air Conditioning and/or Refrigeration (HVACR) and sheet metal work, all working drawings, cutsheets or sketches (including those taken from original architectural and engineering drawings and sketches) used in fabrication and erection including any and all related future technological advancements that may enhance, replace or compete with the scope of work provided herein that serves the same or similar purpose; said jurisdiction to include all flat, formed in brake or press, corrugated or ribbed sheets and all rolled, drawn, pressed, extruded, stamped or spun tubing, shapes and forms of plain or protected steel, iron, tin, copper, brass, bronze, aluminum, zinc, lead, German silver, Monel metal, stainless or chrome steel or any and all other alloy metals, ferrous and non-ferrous, together with all necessary or specified reinforcements, brackets, hangers, straps, plates, tees, angles, beams, channels, furring, supports, anchors, rods, chains, clips, frames, ornaments, trimmings, grilles, registers, castings, hardware and equipment, mechanical or otherwise, regardless of gauge, weight or material when necessary or specified for use in direct connection with or incidental to the manufacture, fabrication, assembling, handling, erection, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, testing and maintenance of all sheet metal work; said jurisdiction to also include the fastening of any and all materials and equipment specified in this jurisdictional claim, whether same be applied to wood, steel, stone, brick, concrete or other types of structure, base or materials, with full jurisdiction over the

making of all connections, attachments, seams and joints, whether	297
nailed, screwed, bolted, riveted, cemented, poured, wiped, soldered,	298
brazed, welded or otherwise fastened and attached, and all drilling and	299
tapping in connection with or incidental thereto. The handling, setting	300
and maintenance of any and all types of temporary heating, cooling or	301
ventilating equipment and the installation of related duct, flex, hose	302
or other types of air conveyance required during the construction,	303
remodel or demolition of a building structure or underground tunnel.	304
SEC. 5(z). Any and all types of sheet metal work, Heating, Ventilat-	305
ing, Air Conditioning and/or Refrigeration (HVACR), design, detailing,	306
building information modeling (BIM), fabrication, erection, installation,	307
service, maintenance, performance verification and operation in con-	308
nection with or incidental to direct, indirect or other types of HVACR,	309
regardless of materials used. Building environmental systems, risers,	310
under floor air distribution systems, stacks, ducts, fittings, testing and	311
sealing of all air distribution systems including ducts, plenums and/or	312
building cavities utilized for the distribution of ventilation or condi-	313
tioned air, hot and cold aisle containment systems, variable air volume	314
boxes (VAV), constant air volume boxes (CAV), chilled beams, convectors,	315
refrigerant piping, roof top units (RTU), heat recovery wheels, system	316
economizers, electrical and acoustical sound attenuation equipment,	317
dampers, louvers, hoods, casings, recess boxes, outlets, radiator enclo-	318
sures, exhausts, ventilators, frames, grilles, registers, diffusers, chilled	319
beams, cabinets, plenums, fans and motors, air washers, filters, air	320
brushes, housings, air conditioning chambers, all setting, hanging and	321
start-up of air conditioning units, unit heaters, or air-veyor systems and	322
condensing units, evaporator coils, heat pumps, evaporative cooling	323
units, variable refrigerant flow (VRF) systems, refrigeration piping, direct	324
digital controls, fault detection controls, building environmental sensor	325
systems, air handling and air treating systems, natural ventilation sys-	326
tems and controls, including all equipment and/or reinforcements and	327
support systems in connection therewith. Any and all types of testing,	328

329 adjusting and balancing, system acceptance testing, functional perfor-
330 mance testing, commissioning and retro-commissioning performed in
331 conjunction with HVACR and/or other building environmental systems
332 including fire life safety systems validation and verification including
333 fire damper, fire/smoke damper, stairwell pressurization and smoke
334 evacuation systems.

335 Design, installation, detailing, BIM, commissioning, retro-commis-
336 sioning, functional performance testing, acceptance testing, service,
337 operation and maintenance of all smog control, filtration and cleaning
338 of air systems and equipment, air pollution and recovery systems and
339 component parts thereof, including setting of same by any method,
340 any and all work in connection with and/or incidental to the manu-
341 facture, fabrication, handling, erection, installation, maintenance and
342 repair of solar energy systems, including but not limited to residential,
343 commercial, institutional and industrial installation and any and
344 all other sheet metal work and equipment, mechanical, service, or
345 otherwise, in connection with or incidental to the proper installation,
346 servicing and operation of said systems, and all duct and mechanical
347 connections to and from same including all equipment and/or rein-
348 forcements and support systems in connection therewith.

349 Any and all installation and removal of lagging, all lagging over insula-
350 tion, combined insulated siding panels utilized for personnel protection
351 and/or insulation of industrial ventilation systems, steam pipes, bag
352 houses, precipitators, turbines, ball mills and all duct lining utilized in
353 commercial HVACR air distribution systems, duct wrap of any type or
354 material, including but not limited to rigid board insulation, fire stop,
355 and the fabrication and installation of reflective metal insulation.

356 **SEC. 5(aa).** Any and all types of energy and indoor environmen-
357 tal quality auditing (IEQ) used in connection with or incidental to
358 energy management and commissioning of buildings including
359 analyzing utility rates, weather data, energy consumption records,
360 contract drawings and specifications, as-built drawings, operating logs;

surveying building site and envelope; investigating space utilization 361
 and operating practices; observing and testing lighting, power, heating, 362
 ventilating, air conditioning, humidification, automatic control, food 363
 service, transportation, heat recovery solar and process systems; per- 364
 forming operation and maintenance energy conservation measures; 365
 monitoring results of energy management retrofit measures; servicing 366
 energized systems after retrofit. 367

SEC. 5(bb). Green Work. Any and all selection and layout of HVACR 368
 equipment, system, and control requirements, any and all sheet 369
 metal work, and the planning, design, implementation of workflow 370
 of any and all HVACR and sheet metal components, materials and 371
 subassemblies in conjunction with the design, development, layout, 372
 implementation, construction and documentation performed as any 373
 part of a building rating method, process, procedure or system either 374
 for new construction or renovations or retrofits of HVACR systems 375
 and sheet metal work falling under said rating method, process, 376
 procedure or system. This applies but is not limited to building rating 377
 method, process, procedure or system such as the U.S. Green Building 378
 Council's (USGBC) Leadership in Energy and Environmental Design 379
 (LEED™) Green Building Rating System, Green Globes™ certification 380
 by The Green Building Initiative (GBI) or the Building Research Estab- 381
 lishment Assessment Method (BREAM) Canada as adopted by the 382
 Canadian Standards Association (CSA). 383

Any and all auditing, commissioning, testing, servicing and main- 384
 tenance of all HVACR and sheet metal work in connection with a 385
 building rating method, process, procedure or system either for new 386
 construction or renovations or retrofits of HVACR systems and sheet 387
 metal work falling in part or whole under said rating method, process, 388
 procedure or system as described above. 389

SEC. 5(cc). All drawings and sketches by computer-aided design 390
 (CAD), hand, backgrounds, as-builts, coordination (including collision 391
 detection), MEP coordination, used in shop fabrication and/or field 392

erection, computer-aided manufacturing and pick off/take off (cut sheets) — the transformation, manual or electronic, from shop drawings to shop fabrication of ductwork and all related items, including any and all related future technological advancements that may enhance, replace or compete with the scope of work provided herein that serves the same or similar purpose.

SEC. 5(dd). The operation of any and all types of 3D laser scanners, unmanned aerial vehicles (UAV) or photogrammetry used to gather, download or report dimensions, measurements, data points, and the exportation of such data to CAD and BIM programs used to create 2D or 3D models used for fabrication shop drawings, cut sheets or installation drawings within the claimed jurisdiction of SMART including data used for the generation of reports and analysis of thermal imaging or heat mapping.

SEC. 5(ee). All project management, estimation, detailing, shop fabrication, field installation, performance-oriented tasks such as testing and balancing performed by or with the iTi's Construction Coordination Software (CCS) or similar software, which includes, but is not limited to the tasks of: scheduling, tracking, reporting, purchasing and ordering of materials; pick-off/take-off and drawing creation; shop drawing creation, as-built drawing creation and batch creation for fabrication; downloading/uploading/inputting of all electronic information used for fabrication and erection, scheduling, inventory control, batch creation for fabrication and tracking; updating status of project completion, hanger placement using a total station, batch creation for fabrication and scheduling TAB reporting, energy audits, commissioning and retro commissioning; user account creation, networking and standard creation.

SEC. 5(ff). The erection of all computer rooms, clean rooms and dry rooms including ceilings, floors, walls, and related appurtenances required for a complete installation and the fabrication and installation of any and all types of air systems including but not limited

to fume hoods, HEPA filters, any other filtration systems and other 425
 appurtenances thereof and other architectural sheet metal work and 426
 metal wall protection systems. 427

All fabrication, handling and installation of semiconductor and 428
 nanotechnology industry-related air systems, including but not 429
 limited to, vacuum pump and/or tool exhaust systems, scrubber pipe/ 430
 duct (regardless of material used), headers and exhaust to atmosphere, 431
 exhaust fans, dry scrubbers, exhaust, vent lines from gas, tool and vac- 432
 uum pump cabinets, exhaust lines from wet benches and burn boxes, 433
 all dampers and/or air valves associated with exhaust/vent lines listed 434
 in this Section. 435

SEC. 5(gg). Any and all types of sheet metal work in connection 436
 with or incidental to residential work, including metal roofing, siding, 437
 cladding, gutters, downspouts, kitchen vents, bathroom vents, pre- 438
 fabricated fireplaces, shower enclosures, heating and air conditioning 439
 equipment, controls and service incidental to the proper installation 440
 and operation of same. 441

Any and all types of warm air furnaces, including assembling and 442
 setting-up of all cast iron parts, all stoker, gas and oil burner equip- 443
 ment and all gas piping used in connection with warm air heating, all 444
 sheet metal hoods, casings, wall stacks, smoke pipes, trunk lines, cold 445
 air intake, air chambers, vent pipes, frames, registers, dampers and 446
 regulating devices, and all other sheet metal work and equipment, 447
 mechanical or otherwise, in connection with or incidental to the 448
 proper installation, servicing and operation of same. 449

SEC. 5(hh). All items of work described in Section 5 (e) to (gg) in 450
 which plastics or other materials are used in lieu of sheet metal, or the 451
 operation of any equipment, methods, processes or new technology 452
 used as a substitute, replacement or change of traditional HVACR and 453
 sheet metal jobs, methods or procedures. 454

INDUSTRIAL

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SEC. 5(ii). Any and all types of sheet metal work in connection with industrial work including but not limited to industrial, generating, steel and aluminum, oil refining, chemical, coking, nuclear, power, pharmaceutical, sewage and waste water plants and similar type plants and all other work in connection therewith including exhaust, smog control, air pollution and recovery systems, air-veyor systems, D20 dryers, biomass systems and related components and component parts thereof, regardless of material used, including setting of same by any method, imbedments, installation and drawings for unistruts and erection of support steel.

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

SEC. 5(jj). Any and all sheet metal work used in connection with or incidental to the equipment and operation of grain elevators, all mills including but not limited to paper mills, saw mills, factories, warehouses, manufacturing plants and commercial buildings, including elevator legs and enclosures, chutes, spouting, hoppers, carriers, spirals, automatic and other conveyors, package chutes, fire apparatus and enclosures for same, pipes and fittings, dampers, machine guards, cyclones, fans, blowers, dust collecting systems, walk-in boxes, environmentally-controlled chambers, ovens and driers, heating, ventilation and air conditioning, and all other types of sheet metal work and equipment, mechanical or otherwise, in connection with or incidental to the operation thereof.

SEC. 5(kk). Milling, fashioning, joining, assembling, erection, fastening or dismantling of all material of wood, plastic, metal, fiber, cork and composition, and all other materials as well as the handling, cleaning,

erecting, installing, repair, renovation, maintenance, and dismantling
of all machinery and equipment. 486
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SEC. 5(II). Any and all work with and on robotics, including but not
limited to, rigging, handling, installing, maintaining, programming, and 488
use of all stationary and/or portable robots, including the use of all 489
robots used in any industry, including the nuclear field. 490
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RAILROAD SHOP-PERSONS 492

SEC. 5(mm). Railroad shop-persons shall include sheet metal work- 493
ers (tinner), coppersmiths and pipe fitters employed in shops, yards, 494
buildings, on passenger coaches, work equipment, refrigeration, etc., 495
and on engines of all kinds, skilled in the building, erecting, assem- 496
bling, installing, dismantling and maintaining parts made of sheet 497
copper, brass, tin, zinc, white metal and lead, black planished, galva- 498
nized and pickled iron, aluminum, stainless and chrome steel, Monel 499
metal, German silver, and any other base or alloyed sheet metal. This 500
shall include all flat, formed in brake or press, corrugated or ribbed 501
sheets on rolled, drawn, pressed, extruded, stamped or spun shapes, 502
tubing or forms of any sheet metal together with all necessary or 503
specified reinforcements, hangars, brackets, hardware and fittings, 504
mechanical or otherwise, regardless of gauge or weight of metal when 505
part of the operation or fabrication of parts; brazing, soft or hard 506
solder, torch spray or hand-soldering, tinning, leading, babbiting, bend- 507
ing, fitting, cutting, threading, brazing, clamping, testing, connecting 508
and disconnecting of air, water, sand, gas, oil and steam pipes and the 509
operating of babbit fires and pipe threading machines, oxyacetylene, 510
Thermit electric welding on work generally recognized as sheet metal 511
workers' work. This jurisdiction includes the work performed in the 512
Maintenance of Equipment, Maintenance of Way and all other depart- 513
ments of the railroad. 514

SHIP BUILDING

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516 **SEC. 5(nn).** Manufacture, fabrication, assembling, erection, hanging,
517 application, adjusting, alteration, repairing, dismantling, recon-
518 ditioning, testing and maintenance of all sheet metal work and
519 coppersmithing work in connection with or incidental to building,
520 maintenance and repair of ships and boats, including smoke stacks, life
521 rafts, life buoys, crow's nests, bulkheads, telegraph and speaking tubes,
522 switch and cut-out boxes, lagging on boilers and engines, lining of all
523 partitions, paint and lamp lockers, refrigerating compartments, battery
524 compartments, galleys and shower baths, ventilation and kitchen
525 equipment, ventilation piping and fittings, sheet metal lockers, sheet
526 metal doors, sheet metal windows, steel and non-ferrous metal sheath-
527 ing, sheet metal casings for housing cable, gong pull and mechanical
528 telegraph leads, and metal lagging for machinery, boilers, pipelines, etc.,
529 sheet metal structural partitions and enclosures including pilasters,
530 wire mesh and incidental fittings, launch and boat canopies, galley
531 ranges, and their smoke pipes, sheet metal dresser tops, sheet metal
532 ventilator cowls, air tanks, fuel oil tanks, battery lockers, metal fur-
533 niture, sheet metal containers for handling and storing foods, paints,
534 water and other materials, cooking utensils, funnels, measures and
535 similar miscellaneous articles made of sheet metal; covers with sheet
536 lead, such articles as battery boxes, battery shelves, iceboxes and other
537 wooden and steel parts, and items subject to corrosion; measures,
538 marks and cuts sheet lead to size; fits and forms it about surface to be
539 covered by heating and hammering about the edges and into corners
540 until snug fit is obtained; making templates, forms, developing, laying
541 out and cutting patterns, shearing, flanging, forming bumping, rolling,
542 spinning, punching, stamping, riveting, soldering, and all resistance
543 welding (including, but not limited to, spot and seam welding) per-
544 formed on machines designed for that purpose in connection with

fabrication, assembly and repair of all sheet metal and all reinforcements in connection with the above specified work. 545
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SIGN WORK 547

SEC. 5(oo). Any and all work in connection with the manufacture, 548
fabrication, assembly, erection, installation, dismantling, re-condition- 549
ing, adjustment, alteration, repairing, servicing and maintenance of all 550
interior and exterior/outdoor industry related products, used in the 551
manufacture and erection of all electrical, plastic, fiberglass, vinyl and 552
neon signs, commercial signs, storefronts, awnings, marquee signs, 553
soffits, display showcases, LED modules, road signs, bulletin boards, 554
scoreboards and billboards for indoor and outdoor advertising includ- 555
ing but not limited to any and all sign support structure, billboard 556
panels, sign cabinets or the like in kind serving the same purpose, the 557
layout, fabrication and installation of any base plate, gusset plates, 558
companion flanges and attachment of these sections to any support 559
member, such as pipe, angle iron, channel and/or wide flange beams, 560
tube steel and/or other similar shapes, the preparation of all shop and 561
field sketches whether manually drawn or computer assisted used in 562
fabrication and erection, including those taken from original architec- 563
tural and engineering drawings or sketches. This work also includes 564
the layout, fabrication and installation of upper support structures 565
used to support the sign face(s) including catwalks, ladders, rails and 566
any and all substitute signage or materials used in lieu thereof and 567
any other identification system whether interior or exterior/outdoor 568
advertising included in the jurisdictional claims of the SMART, includ- 569
ing any and all related future technological advancements that may 570
enhance, replace or compete with the scope of work provided herein 571
that serves the same or similar purpose and shall include installation 572
and fabrication of cell site and green products including but not lim- 573
ited to wind and solar. 574

SECTION 6 – REVENUE AND FUNDS

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SEC. 6(a). The revenue of this Association shall be derived from the charter fees, initiation fees, reinitiation fees, reinstatement fees, per capita dues, dues, assessments, sale of supplies, fees for services rendered, interest on deposits, income and capital gains on investments, and grants. Pursuant to the provisions of the Labor Management Relations Act, it is the duty of every officer, agent, employee and other representative of this Association, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of this Association and its members and to manage, invest, and expend the same in accordance with this Constitution and by-laws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with this Association as an adverse party in any matter connected with their duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interest of this Association, and to account to this Association for any profit received by them in whatever capacity in connection with transactions conducted by them or under their direction on its behalf. Since the general executive, administrative and judicial powers of this Association are vested in the General Executive Council in the interim between Conventions, the General President and General Secretary-Treasurer shall manage, invest and expend the funds and property of this Association in accordance with all applicable provisions of this Constitution and any resolution adopted by the General Executive Council not inconsistent therewith.

SEC. 6(b). Except as otherwise provided in this Constitution the revenue of this Association shall be divided into nine (9) funds; namely, the General Fund, the Strike/Defense Fund, the Disaster Relief Fund, the General Convention and Business Managers and Business Representatives Conference Fund, Transportation Convention Fund,

Maintenance of Membership Fund, Public Relations Fund, Transportation Strike Fund and the Education and Training Fund. 605
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SEC. 6(c). While the revenue of this Association, including revenue received through the SMART TD Account as long as it is needed, will be divided into the funds specified in Article 1, Section 6(b), the General Secretary-Treasurer, with approval of the General Executive Council, may combine or consolidate any of the listed funds. The General Executive Council may authorize the consolidation of all of the funds specified in Article 1, Section 6(b) into a single general fund with separate accounts for the same purposes as the specified funds. If a consolidated general fund is established, all references in this Constitution to the specified funds shall be deemed to be to accounts for the same purposes. The General Secretary-Treasurer shall maintain a system of accounting where the revenues and disbursements of the Association and any or all Divisions are recorded and listed within the annual budget and financial statements. The General Executive Council may make temporary or permanent transfers between funds upon the recommendation of the General Secretary-Treasurer. 607
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SEC. 6(d). The Strike/Defense Fund and Transportation Strike Fund shall be maintained and disbursed in accordance with the provisions of Articles Thirty (30) and Twenty-One B (21B) of this Constitution. 623
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SEC. 6(e). The SMART Disaster Relief Fund shall be maintained and disbursed in accordance with Article Ten (10), Section 16 of this Constitution. The General Executive Council shall have the ability between conventions to eliminate this fund and establish a similar fund that is exempt under Internal Revenue Code 501(c)(3). 626
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SEC. 6(f). The General Convention and Business Managers and Business Representatives Conference Fund and the Transportation Convention Fund shall be maintained and disbursed in accordance with Articles Thirty-Two (32) and Twenty-One B (21B) of this Constitution. 631
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SEC. 6(g). All revenue of this Association not allocated to the Strike/Defense Fund or the General Convention and Business Managers and 635
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637 Business Representatives Conference Fund or the SMART Disaster
638 Relief Fund, the Transportation Convention Fund, the Maintenance
639 of Membership Fund, the Public Relations Fund, the Transportation
640 Strike Fund or the Education and Training Fund, shall be placed in
641 the General Fund from which there shall be paid the general oper-
642 ating expenses of the Association, the contributions to the National
643 Pension Fund on behalf of Staff who participate in that Fund, the
644 Sheet Metal Workers' International Association Staff Pension Plan,
645 the SMART Local Unions and Councils Pension Fund and the National
646 Supplemental Savings Fund on behalf of Staff who participate in these
647 Funds established pursuant to and in accordance with the provisions
648 of Section 13 of Article Two (2), the payment of contributions to the
649 International Training Institute, the National Energy Management
650 Institute Committee, the Sheet Metal Occupational Health Institute
651 Trust, the SMART Local Unions and Councils Supplemental Employee
652 Retirement Plan (Canada), the payment of premiums for insurance
653 benefits for members provided pursuant to and in accordance with
654 Section 9 of Article One (1), and such other necessary or proper
655 expenses in connection with, or incidental to the promotion of the
656 general good, defense, protection and operation of this Association.

657 **SEC. 6(h).** Except as hereinafter otherwise provided, all funds of
658 this Association not held in cash or on deposit in commercial bank
659 accounts shall be deposited in the name of the International Associa-
660 tion of Sheet Metal, Air, Rail and Transportation Workers pursuant to
661 the following guidelines:

- 662 1. In dollar-denominated obligations of the United States
663 Government, its agencies and instrumentalities (includes
664 both nominal and inflation-linked bonds); but not to exceed
665 eighty-five percent (85%) of the total assets of the Association.

2. In federally-insured banks that pay competitive rates of interest on such deposits in the United States and Canada selected by the General Secretary-Treasurer and approved by the General President.

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3. In fixed income investments including: (i) dollar-denominated obligations of the U.S. corporations; (ii) mortgage-backed securities, including collateralized mortgage obligations (CMOs); (iii) commercial mortgage-backed securities; (iv) asset-backed securities (ABSs); (v) municipal bonds; (vi) short-term securities; (vii) securities of foreign companies or foreign countries (sovereigns and supranationals) denominated in U.S. dollars, trading in U.S. markets (Yankee bonds); and (viii) dollar-denominated obligations of U.S. companies or foreign companies trading outside the U.S. (Eurobonds). Except for investments that are held by pooled investment vehicles described in subsection 5, below, the investment in any one company is restricted to five percent (5%) of the total fixed income investment of this Association.

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4. In mutual funds and other pooled investment vehicles, such as limited liability partnerships, bank collective trusts, insurance company separate accounts, or commingled funds.

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5. In corporate common stocks listed on the New York, American, or NASDAQ Stock Exchanges; but not to exceed seventy-five percent (75%) of the total assets of this Association.

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6. In commercial paper for short terms of no more than ninety (90) days, and preferably in multiples of One Hundred Thousand Dollars (\$100,000.00), provided the corporations issuing the commercial paper have been approved by the General President and General Secretary-Treasurer, and further that these temporary investments do not exceed forty percent (40%) of the total assets of this Association.

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- 697 7. In broker or custodial cash accounts with reputable firms
698 pending further investment or in money market accounts
699 of investment grade banks or financial institutions.
- 700 8. With the approval of the General Executive Council, (a)
701 for the purchase, lease, rental, or construction of buildings
702 or the purchase, lease, or rental of property upon which
703 such buildings may be constructed, or both, or (b) for the
704 purchase, lease or rental of buildings or real property or an
705 interest therein which will be used, in whole or in part, for
706 the General Office of this Association or branches thereof
707 and/or to provide suitable furnished living quarters or
708 allowance for such within the metropolitan Washington
709 D.C. area for the General President and General Secretary-
710 Treasurer during their respective terms of office.
- 711 9. With the approval of the General Executive Council, for
712 the purchase, lease, or rental of vehicular transportation
713 equipment and facilities and the employment of
714 qualified professional drivers to operate the same.
- 715 10. In types of investment instruments not identified
716 above, but only if they are held by mutual funds
717 or other pooled investment vehicles.

718 Unless they are held in a pooled investment vehicle, fixed income
719 investments that are rated below “investment grade” by Standard and
720 Poor’s and Moody’s investment services shall be made only upon the
721 written recommendation of a recognized and qualified investment
722 authority who has been approved by the General Executive Council.

723 All securities or certificates of value shall be kept in a safe deposit
724 box or boxes in a bank or banks in the Washington, D.C. metropolitan
725 area, registered in the name of the International Association of Sheet
726 Metal, Air, Rail and Transportation Workers except that securities or

certificates of value may be registered in the street names of reliable investment banks or securities investment firms, and, if so registered, may be deposited with such banks or firms. All disbursements made from the funds of this Association shall be on order or check properly signed by the General Secretary-Treasurer and countersigned by the General President or made electronically within the requirements of Article Five (5), Section 1(a).

SEC. 6(i). A uniform system of bookkeeping and records shall be established at the General Office by the General Secretary-Treasurer and all divisions, local unions, councils, officers, representatives, and members thereof shall conform to said uniform system of bookkeeping and records in submitting reports, in correspondence, and in all other relations with the General Office, and in all matters affecting the record or standing or obligations of local unions, councils, officers, representatives, and members thereof, all subject to approval by the General Executive Council.

SEC. 6(j). All monies sent to the General Office must be in the form of money order, bank draft, check, direct deposit, wire transfer or automated clearinghouse (ACH) network made payable to International Association of Sheet Metal, Air, Rail and Transportation Workers.

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

SECTION 7 – DISSOLUTION 749

SEC. 7. The Association shall not be dissolved so long as five (5) or more local unions in good standing acknowledge its authority and comply with all provisions of this Constitution. 750
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SECTION 8 – ASSESSMENTS 753

SEC. 8(a). Whenever the amount of money in the General Fund, or the separately accounted General Fund account of any division, falls below six months' operating expenses for the Association or any division, 754
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757 based on the previous year's audit of expenses, the General President
758 or President of the Division shall submit to the General Executive
759 Council a plan for maintaining the assets at the six-month level. If the
760 assets fall below three-months' operating expenses, an assessment
761 shall be levied by this Association and said assessment shall be paid by
762 all applicable members in such amounts and in such manner as may
763 be necessary to restore and maintain the sum of a minimum of six
764 months' operating expenses in the General Fund. The amount of each
765 assessment imposed on members and the manner and time limit for
766 payment shall be determined by the General President with approval
767 of a majority of the General Executive Council.

768 **SEC. 8(b).** Whenever the General President deems it necessary to
769 call for an assessment other than that provided for in Section 8(a) of
770 this Article, they shall authorize the General Secretary-Treasurer to
771 notify the General Executive Council of same. If the General Executive
772 Council approves the recommendation of the General President, by
773 majority vote, the General Secretary-Treasurer shall then send a circular
774 and ballots to all local unions of this Association calling for a vote of
775 their membership by secret ballot, and specifying the reason for said
776 assessment. The voting shall take place at a regular or special meeting
777 of each local union after notice to the membership that such vote will
778 be taken and only those members who are present shall be entitled to
779 vote. Local unions shall be required to make complete returns of their
780 vote to the General Secretary-Treasurer within thirty (30) days after they
781 have received their ballots from the General Secretary-Treasurer and the
782 president, financial secretary-treasurer, and tellers, if any, shall certify as
783 to the correctness of the result. All ballots sent to the local union shall
784 be returned to the General Secretary-Treasurer after the vote whether
785 they were voted or not. If a majority of all valid votes cast, pursuant to
786 the call of the General Secretary-Treasurer, are in favor of the assess-
787 ment, the prior action of the General Executive Council in approving it
788 shall become effective provided that such assessment shall be effective

only until the next regular Convention of this Association. Ballots must 789
 be returned to the office of the General Secretary-Treasurer within forty- 790
 eight (48) hours after the vote of the local union has been completed. 791

SEC. 8(c). No per capita dues shall be accepted by the General 792
 Secretary-Treasurer or credited by them on the record of any mem- 793
 ber, following the date or dates any assessments provided for in this 794
 Section become due, until the assessments due from such member are 795
 actually received by the General Secretary-Treasurer. 796

SECTION 9 – INSURANCE BENEFITS 797

SEC. 9(a). The General Executive Council is authorized to consummate 798
 a contract with such insurance company and/or self-insure as it may 799
 select to provide insurance benefits covering accidental death, dis- 800
 memberment and loss of vision for those members of this Association, 801
 other than those covered under Article Twenty-One B (21B), who meet 802
 the qualifications set forth in Section 9(b) of this Article. Such benefits 803
 shall not exceed the sum of Seven Thousand Five Hundred Dollars 804
 (\$7,500.00) per member, except that in the event the General Executive 805
 Council determines that the cost of an increased benefit is feasible, it 806
 may, without further Convention action, authorize such increase to an 807
 amount not exceeding Twenty Thousand Dollars (\$20,000.00). 808

SEC. 9(b). In order to be eligible to receive any of the benefits for 809
 which provision is made in this Section, a member must have paid their 810
 dues in advance for the month in which their claim to benefits accrued 811
 and no member whose dues have not been paid on or before the first 812
 day of any month shall be entitled to any benefits during that month. 813
 Members on withdrawal card, limited members, special limited mem- 814
 bers and associate members are not eligible for this insurance benefit. 815

SEC. 9(c). The General Executive Council is also authorized, to pur- 816
 chase life or other types of insurance policies, with the International 817
 as the principal beneficiary, insuring the life of the General Presi- 818
 dent in such amount as it may consider appropriate to protect this 819

820 International Association against the loss that would be incurred from
821 the untimely death of said General Officer during their term of office.

822 **SECTION 10 – RESPONSIBILITY**

823 **SEC. 10.** It is the obligation and responsibility of every division, officer,
824 member, local union, state, provincial, district or regional council, local
825 committee of adjustment, general committee of adjustment and legis-
826 lative board of this Association, to comply with the provisions of this
827 Constitution and the valid decisions of the officers of this Association
828 in conformity therewith and they shall refrain from any conduct which
829 interferes with the performance by the Association or its subordinate
830 units of their obligations under law or contract or from any conduct
831 which defeats or is designed to defeat or subvert the lawfully declared
832 and established policies and objectives of this Association, or which may
833 defame it or any of its officers, members or subordinate units.

ARTICLE TWO (2)
General Officers

SECTION 1 – NUMBERS AND TITLES

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2 **SEC. 1.** The General Officers of this Association shall be the General
3 President, the General Secretary-Treasurer, eleven General Vice Pres-
4 idents who hold membership in Sheet Metal affiliated local unions
5 who shall be designated as the First, Second, Third, Fourth, Fifth, Sixth,
6 Seventh, Eighth, Ninth, Tenth, and Eleventh General Vice Presidents
7 and six General Vice Presidents duly elected by the Transportation
8 Division who shall be designated as President Transportation Division/
9 General Vice President, National Legislative Director/General Vice
10 President and the three senior Vice President-International Represent-
11 atives/General Vice Presidents who are members of rail local unions
12 and the senior Vice President-International Representative/General

Vice President who is a member of a Bus Department local union. At least one of such General Vice Presidents from Sheet Metal affiliated locals shall be a member of a Canadian Local Union and at least one shall be a member of a Production Local Union.

SECTION 1(a) – SUPPORT FOR CAMPAIGN

SEC. 1(a). No candidate, including a prospective candidate, for any position set forth in Article Two (2), Section 1, or supporter of a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual's own volunteered personal time, from any nonmember, or associate or honorary member; nor may an owner-member, lawyer or employer volunteer personal time in support of such a prospective candidate.

SEC. 1(b). No candidate, including a prospective candidate, for any position set forth in Article Two (2), Section 1, or supporter of a candidate, may use the SMART Logo, or any variations of the former SMWIA or UTU Logo, in any campaign literature or electronic media used to endorse such candidates.

SECTION 2 – QUALIFICATIONS

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

SEC. 2(b). They must also at the time of their nomination and election or appointment either (i) be working at the trade for at least two (2) years immediately prior thereto, (ii) be eligible under Article Twenty-One B (21B), Section 7, (iii) be salaried officers or representatives of this Association, (iv) be salaried officers or representatives of a local union or council, or (v) be salaried officers or representatives of the AFL-CIO or an affiliate or subordinate unit thereof.

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SECTION 3 – AUTOMATIC CONVENTION DELEGATES

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

SECTION 4 – MANDATORY TENDER OF RESIGNATION

SEC. 4. Any officer of this Association when not employed at the trade, no longer meeting the conditions under Article Twenty-One B (21B), not a salaried officer or representative of a local union or council, not a salaried officer or representative of the AFL-CIO or an affiliate or subordinate unit thereof, or not in the full time service of this Association or who is a recipient of a pension from the industry as an annuity or a lump sum, shall immediately tender their resignation as a General Officer, which must be accepted, and the vacancy filled as provided for in this Constitution.

SECTION 5 – TIME OF ELECTION

SEC. 5. The General Officers from the Transportation Division shall be nominated and elected as provided in Article Twenty-One B (21B), Sections 2 and 8. All other General Officers shall be nominated and elected by the General Convention at a session commencing on the third (3rd) day of the Convention which shall continue in session until the nominations and elections of officers have been completed, unless otherwise ordered by the Convention. The General President and General Secretary-Treasurer shall be elected by all delegates to the SMART General Convention and the General Vice Presidents shall be elected by the delegates who are from affiliates not within the Transportation Division.

SECTION 6 – METHOD OF ELECTION

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SEC. 6. No member shall be nominated for more than one (1) General Office and nomination and election for each General Office shall be held separately. If there are two (2) or more nominations for any General Office, the vote for such contested office shall be by roll call vote of the delegates and each local union and council having seated delegates present shall be entitled to the number of votes accorded it under Section 2(a) of Article Seven (7) of this Constitution. In the event that the delegates from a local union are unable to agree on the candidate for whom the votes of the local union shall be cast, each delegate of such local union shall be entitled to cast an equal pro rata share of the votes to which each local union is entitled. In the event there are contests for one or more General Offices, a single roll call shall be conducted for all such contested General Offices which shall be conducted at the conclusion of the votes on all General Offices for which there is no contest. Each delegate desiring to cast votes on the roll call shall identify their local union and state the number of votes they wish to cast for a candidate for each such contested General Office.

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

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

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SECTION 7 – ELECTION PROTEST

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

SECTION 8 – TERM OF OFFICE

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

SECTION 9 – FILLING VACANCY IN OFFICE OF GENERAL PRESIDENT

SEC. 9. Should a vacancy occur in the office of General President as a result of death, incapacity, resignation or any other cause, the General Secretary-Treasurer shall immediately notify the General Executive Council of the vacancy which shall, by majority vote at a duly-scheduled or special-called session of the General Executive Council within thirty (30) days, elect a General President for the unexpired term. In the event the office of General Secretary-Treasurer shall also be vacant, such notice shall be provided by the First General Vice President or the next General Vice President in descending order if the First General Vice President is not available.

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

SEC. 10. Should a vacancy occur in the office of General Secretary-Treasurer as a result of death or incapacity, resignation or any other cause, the General President shall immediately notify the General Executive Council of the vacancy which shall, by a majority vote at a duly-scheduled or special-called session of the General Executive Council within thirty (30) days, elect a General Secretary-Treasurer for the unexpired term. In the event the office of General President shall also be vacant, such notice shall be provided by the First General Vice President or the next General Vice President in descending order if the First General Vice President is not available.

SECTION 11 – FILLING VACANCIES IN OTHER GENERAL OFFICES

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

SEC. 11(b). Should a vacancy occur whereby no General Vice President who is a member of a Production Local Union remains on the General Executive Council as a result of death, incapacity, resignation or any other cause, the General President shall within ninety (90) days from the date of vacancy propose to the General Executive Council the name of any eligible Production Local Union member and with the consent of

160 a majority of the General Executive Council such member shall become
161 the successor to that General Vice President for the unexpired term.
162 Such appointee shall be obligated by the General President.

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

173 **SECTION 12 – COMPENSATION AND EXPENSES**

174 **SEC. 12.** The salaries of the officers of the Transportation Division
175 shall be determined as provided in Article Twenty-One B (21B), Section
176 29. The compensation and expenses of the other General Officers and
177 the method of determining same shall be as established by the 1990
178 Convention action and shall continue thereafter with the adjustments
179 set forth under Article Eight (8), Section 5 until changed by action of a
180 subsequent Convention.

181 **SECTION 13 – PENSIONS**

182 **SEC. 13(a).** Except officers elected by the Transportation Division and
183 Administrative Staff whose wages and salaries are allocated to the
184 Transportation Division, General Officers, International Represent-
185 natives, Organizers and Administrative Staff shall be covered by the
186 “Sheet Metal Workers’ International Association Staff Pension Plan.”
187 The Trustees of the Sheet Metal Workers’ International Association
188 Staff Pension Fund shall be appointed by the General President
189 with the approval of the General Executive Council. The General

Secretary-Treasurer is directed to transmit up to Three Dollars (\$3.00) 190
per member per month (except members within the Transportation 191
Division) for the purpose of assuring the continued operation of said 192
Plan. The amounts transmitted shall be allocated to the “Sheet Metal 193
Workers’ International Association Staff Pension Fund” to meet the 194
cost of the Plan as determined by the Plans’ Enrolled Actuary. 195

SEC. 13(b). There shall be established and maintained by the 196
International Association the National Supplemental Savings Fund in 197
which all General Officers, International Representatives and Orga- 198
nizers, and Administrative Staff in the United States, except officers 199
elected by the Transportation Division and Administrative Staff whose 200
wages and salaries are allocated to the Transportation Division, may 201
participate. There shall be established a comparable savings or alter- 202
nate compensation plan on behalf of all General Officers, International 203
Representatives and Organizers, and Administrative Staff in Canada. 204

SECTION 14 – CHARGES AND TRIALS 205 **OF GENERAL OFFICERS** 206

SEC. 14(a). All charges preferred against General Officers of this Asso- 207
ciation for violation of the duties or obligations of their General Office 208
shall be in the form of a written affidavit and shall contain a detailed 209
statement of the facts out of which such charges originated, specified 210
reference to the provisions of the Articles, Sections and Paragraphs of 211
this Constitution or the policies, decisions, laws, rules or regulations 212
which it is alleged have been or are being violated. Such charges may 213
be filed against a General Officer by another General Officer, by any 214
local union, or by an individual member in good standing, provided, 215
however, that the filing of charges by an individual member other 216
than a General Officer must first be approved by the local union of 217
which such individual member is a member and such charges shall be 218
accompanied by a written statement signed by the president of such 219

220 local union that approval was obtained by a majority vote at a regular
221 or special meeting of the local union.

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

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

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

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

250 **SEC. 14(f).** All parties shall be given full opportunity to present
251 all relevant evidence and exhibits which they deem necessary to the

proper presentation of their case and shall be entitled to cross-examine witnesses of the other party or parties. 252
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SEC. 14(g). Upon the completion of the presentation of all evidence the General Executive Council, without the participation of any member or members thereof by whom or against whom the charges under consideration have been preferred, shall decide what disposition shall be made of such charges and fix the penalty, if any, to be assessed. Notice of the outcome of such charges shall be sent to all local unions in the International Association. 254
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SEC. 14(h). Either party shall have the right to appeal to the General Convention from the decision of the General Executive Council but pending such appeal the action of the General Executive Council shall stand. 261
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SEC. 14(i). Appeals to the General Convention from decisions of the General Executive Council, on charges preferred against General Officers, shall be filed with the General Secretary-Treasurer within sixty (60) days of notice of the decision of the General Executive Council, and such appeals shall be submitted to the General Convention on the basis of findings of the facts and decision of the General Executive Council. The General Convention shall vote without debate solely on the question of whether to accept or reject the decision of the General Executive Council. A majority vote of the General Convention shall be final. 265
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SECTION 15 – SURRENDER OF PROPERTY 275

SEC. 15. All General Officers, at the expiration of their incumbency in office and when their successors have been duly qualified, shall deliver to them all books, records, papers, monies and other property in their possession, belonging to this Association. 276
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ARTICLE THREE (3) General President

SECTION 1 – GENERAL DUTIES AND AUTHORITY

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2 **SEC. 1.** The General President, by virtue of their office, shall be a delegate
3 to the SMART General and Special Conventions of the International
4 Association and shall have a voice and a vote in the deliberations and
5 discussions but shall not be entitled to vote in the elections of General
6 Officers unless elected as a delegate by secret ballot of the membership
7 of their local union and shall preside at all meetings and Conventions of
8 this Association and at meetings of the General Executive Council. They
9 shall preserve order and in all cases where the vote is equally divided in
10 a Convention or meeting of the General Executive Council they shall
11 cast the deciding vote. They shall enforce all laws of the Association,
12 decide all questions of order and usage, interpret and decide all points of
13 law and controversies and decide all constitutional questions. Between
14 Conventions they shall have general supervision of this Association
15 and shall sign all charters and other documents which require their
16 signature for authentication, except where stated elsewhere in this
17 constitution the approval of the General Executive Council is required
18 prior to signature. They may sign national agreements and national or
19 local project labor agreements.

20 They shall submit monthly to the General Secretary-Treasurer an
21 itemized account of all monies expended by them on behalf of this Asso-
22 ciation, which account shall be paid by the General Secretary-Treasurer.

23 Subject to the approval of the General Executive Council, they shall
24 have authority to form alliances or affiliations where in their opinion it
25 would be for the best interests of the trade, and to negotiate and enter
26 into treaties and agreements with any national or international unions
27 including agreements to merge or affiliate other national or interna-
28 tional labor organizations into this International on such terms and
29 conditions as may be deemed appropriate and in the best interests of

this International Association and the members thereof. With respect to any merger in which SMART is subsumed by a larger International, said merger must first be ratified by a SMART General or Special Convention for that specific purpose. The President Transportation Division and the General President shall appoint delegates to the Conventions of the American Federation of Labor and Congress of Industrial Organizations in proportion to the number of members in the Transportation Division and the rest of the Association, respectively.

The General President shall appoint delegates to the departments of the AFL-CIO except that the President Transportation Division shall appoint delegates to those departments to which only the Transportation Division is affiliated. The General President shall appoint and compensate all special committees.

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

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

They may delegate their powers and duties to other SMART officers or staff provided that any such delegation must be specific, in writing and of limited duration.

**SECTION 2 – SUPERVISION OF LOCAL UNIONS,
COUNCILS, LOCAL COMMITTEES OF ADJUSTMENT,
GENERAL COMMITTEES OF ADJUSTMENT,
LEGISLATIVE BOARDS AND OFFICERS THEREOF**

SEC. 2(a). Supervision. The General President shall have direction and supervision of all local unions, state, provincial, district or regional councils, local committees of adjustment, general committees of adjustment, legislative boards and all of the officers thereof. They shall have full authority to suspend the charter of any local union or

61 council for failure of its officers or members to comply with the provi-
62 sions of this Constitution or with the policies of this Association; for
63 conducting its affairs in a manner which is detrimental to the mem-
64 bers thereof or to the best interests of this Association; for impairing
65 the standing of such local union or council or the standing of this
66 Association with other trades; for condoning internal strife which is
67 detrimental to the best interests of such local union or council, the
68 members thereof or this Association; for conducting its affairs in such
69 manner as to bring such local union or council into disrepute with the
70 public or employers or for disregarding the instructions, decisions, or
71 orders properly issued by any officer or tribunal of this Association
72 and to remove from office any officer or representative of any local
73 union or council for incompetence, negligence, insubordination, failure
74 or refusal to obey any valid decision or order of the General President,
75 General Secretary-Treasurer or the General Executive Council or for
76 violation of this Constitution or the policies of this Association or for
77 any other neglect or failure of duty. Such suspension of charter or
78 removal from office shall continue until the conditions causing the
79 same have been corrected or until after trial and appeal the charter of
80 such local union or the removed officer has been ordered reinstated,
81 whichever has been ordered first.

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

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

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

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

SEC. 2(c). Trusteeship of Local Unions and Councils. Whenever there are reasonable grounds to believe that the officers or members of a local union, district, regional, state, or provincial council, local committee of adjustment, general committee of adjustment, or legislative board are failing to comply with the provisions of this Constitution or with the policies of this Association; conducting the affairs of such local union or council in a manner which is detrimental to the best interests of such local union or council, or its members or this Association; engaging in acts of corruption or financial malpractice; failing to properly discharge the duties of a collective bargaining representative; acting in a manner which brings such local union or council into disrepute with the public or with employers; or disregarding the valid instructions, decisions or orders issued by any officer or tribunal of this Association, the General President shall have authority to place such local union or council under Trusteeship, provided that a Trusteeship that is to be continued for a period of more than sixty (60) days shall be subject to ratification by the General Executive Council or Subcommittee thereof after a hearing. During Trusteeship such local union or council shall take no official action without the approval of

125 the General President or a representative designated by them to super-
126 vise and direct the Trusteeship. Such Trusteeship shall continue until
127 (a) the causes thereof have ceased, (b) the charter of such local union
128 has been revoked, withdrawn or transferred under procedures pre-
129 scribed in this Constitution, or (c) restoration of autonomy is directed
130 as the result of a decision made upon appeal under this Constitution.

131 During Trusteeship of any local union or council, the General Pres-
132 ident or their designated representative shall have authority to take
133 such action as they deem necessary to protect the interest and welfare
134 of such local union, council and this Association, and the funds,
135 property and membership thereof, including, but not limited to, the
136 authority to suspend from office for the duration of the Trusteeship,
137 or permanently remove from office, in either case with or without pay,
138 and with or without cause, local union or council officers, business
139 manager, or business representatives; fill vacancies in such offices with
140 any representative of this Association or members of such local union
141 by appointment, or call elections for that purpose, or leave some or
142 all of the offices vacant; combine one or more offices and positions;
143 and impound the books, records, funds and property of any such local
144 union or council.

145 Notwithstanding that they have been elected to fixed terms of
146 office, the officers, business manager and business representatives of a
147 local union or council under Trusteeship shall serve in office through-
148 out the period of the Trusteeship at the pleasure of the General
149 President or their representative. They shall act in accordance with
150 their instructions and faithfully implement the programs, policies and
151 directives promulgated by them so that the conditions that necessi-
152 tated imposition of the Trusteeship may be corrected and autonomy
153 restored to the local union as soon as possible.

154 During Trusteeship, no votes of delegates from such local union
155 or council shall be counted in a Convention of this Association
156 unless such delegates have been chosen by secret ballot in a local

union or council election in which all members in good standing are eligible to participate. 157
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SEC. 2(d). Revocation of Charters. With the approval of the General Executive Council, the General President may revoke the charter of any local union or council found guilty after trial of any violation of the provisions of this Constitution or of failure to comply with valid orders, decisions or policies of this Association. 159
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Should it be necessary to revoke a local union charter, provision shall be made for the transfer of all local good standing members to other affiliated local unions. 164
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SEC. 2(e). Review of Decisions of Local Unions and Councils. The General President shall have full authority to approve, modify, revise, defer, suspend or reverse any decision of a local union or council or any officer thereof, or of a trial committee of a local union or council, or any action taken by any local union or council in connection therewith, if such decision or action is contrary to the provisions of this Constitution or the established policies of this Association, is contrary to the evidence, or the penalty imposed is deemed inadequate or excessive, subject to appeal as provided in Article Nineteen (19). 167
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SEC. 2(f). Call of Special Meetings of Local Unions and Councils. Local unions, state, provincial, and district councils shall, upon call of the General President or a duly authorized representative of this Association after official notice to the duly authorized officers of said local unions, state, provincial, and district councils, assemble and convene in meeting at such time and place and for such purpose as may be designated in the call and official notice issued; and said meeting shall not adjourn without the approval and consent of the General President or the duly authorized representative of this Association calling said meeting. 176
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SEC. 2(g). Jurisdiction of Local Unions and District Councils. The General President shall have full authority to specify; designate or change the specific territory; project or projects and classes of work 186
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189 over which each local union or district council shall exercise jurisdic-
190 tion; to organize and charter additional local unions or district councils
191 in accordance with this Constitution and to determine the specific ter-
192 ritory and classes of work over which newly chartered locals or district
193 councils shall have jurisdiction; to separate and divide membership
194 of any local union or district council into two or more local unions or
195 district councils; to amalgamate or merge two or more local unions or
196 district councils when it is advisable or necessary in the best interests
197 of this Association and the members thereof and; except as otherwise
198 provided in this Section, to establish the terms and conditions under
199 which such separations, amalgamations and mergers shall be con-
200 summated including where necessary the establishment of additional
201 locations within the jurisdiction of the local union which will afford
202 the members an adequate opportunity to nominate candidates and
203 vote in elections and to classify and separate members and applicants
204 for membership into such local unions or district councils as will best
205 protect the interests of this Association and the members thereof
206 subject to appeal as provided in Article Nineteen (19). Whenever the
207 membership of one local union or district council is separated into two
208 or more local unions or district councils pursuant to this Section, the
209 funds, assets and liabilities of such local union or district council may
210 be pro-rated among the involved unions or district councils as equita-
211 bly as possible by the General President.

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

217 **SEC. 2(h). Audits.** The General President shall have authority to
218 order an audit of the books and accounts of any local union or council
219 of this Association. A report of such audit shall be made to the General
220 President, General Secretary-Treasurer and the General Executive

Council. The books and accounts of any local union or council shall be 221
 at all times open to inspection of auditors appointed and authorized 222
 by the General President under this Section. 223

SECTION 3 – SUPERVISION OF INDIVIDUAL MEMBERS 224

SEC. 3(a). Suspension. The General President shall have authority to 225
 suspend any member of this Association or of any local union affli- 226
 ated therewith who, after charges and trial, has been found guilty of 227
 insubordination, treasonable conduct, violation of any provision of 228
 this Constitution, failure to comply with any valid order or decision 229
 of this Association or the officers thereof or any established policy of 230
 this Association. 231

SEC. 3(b). Penalties. Any member who is found guilty of any viola- 232
 tion of the provisions of this Constitution after charges and trial may 233
 be reprimanded, fined, suspended or expelled from membership by the 234
 General President. 235

SECTION 4 – MEETINGS OF BUSINESS MANAGERS 236 AND BUSINESS REPRESENTATIVES 237

SEC. 4. The General President shall arrange for local business man- 238
 agers and business representatives to assemble in conference at such 239
 times and places as in their judgment are advisable. Action taken at 240
 such conferences shall be subject to approval of the General Execu- 241
 tive Council. 242

SECTION 5 – ATTORNEYS 243

SEC. 5. The General President shall have authority to employ an attorney 244
 or attorneys to represent and protect the interests of this Association. 245

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SECTION 6 – REPORTS

247 **SEC. 6.** It shall be the duty of the General President to have printed or
248 electronic reports prepared and distributed among the delegates on
249 the opening day of each General Convention. The report of the Gen-
250 eral President and the General Executive Council may be combined.

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SECTION 7

252 **SEC. 7.** The General President shall devote all of their time to the
253 interests of this Association, and its affiliated and related enti-
254 ties and organizations, and to the performance of their duties as
255 General President as specified in this Constitution, and to the per-
256 formance of their duties to this Association's affiliated and related
257 entities and organizations.

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SECTION 8

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

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SECTION 9 – GENERAL PRESIDENT EMERITUS

265 **SEC. 9.** The General Executive Council may appoint one or more
266 retired past General Presidents as General President Emeritus. This
267 appointment may be made at any time and need not occur immedi-
268 ately at the end of that General President's term in office. The General
269 Executive Council shall determine how long the term of a General
270 President Emeritus shall last. The General President may assign duties
271 and responsibilities to a General President Emeritus and defray their
272 reasonable expenses.

ARTICLE FOUR (4)

General Vice Presidents

SECTION 1 – GENERAL DUTIES

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

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

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ARTICLE FIVE (5)

General Secretary-Treasurer

SECTION 1 – GENERAL DUTIES

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

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9 They shall issue the official call for the SMART Conventions at
10 least ninety (90) days prior to the opening date thereof. They shall
11 keep a correct record of the proceedings of the SMART Conventions
12 and all other meetings of this Association; preserve credentials of
13 delegates for at least one (1) year, preserve all important documents,
14 papers, accounts, letters sent and received by them on business of this
15 Association for a period of at least five (5) years; employ the necessary
16 clerical force to efficiently conduct the affairs of their office; conduct
17 all correspondence pertaining to their office between this Associa-
18 tion and its affiliated local unions and councils; keep a correct record
19 and account of the standing of each local union and council and all
20 officers, representatives and members thereof; cause to be published at
21 least once each year a directory showing the names and addresses of
22 local union officers, business managers, and business representatives;
23 receive all applications for charters and issue and sign the same when
24 so authorized by the General President; have charge of the seal of this
25 Association and affix it as required to official documents; receive all
26 communications or appeals intended for or requiring consideration by
27 the General President or General Executive Council; transmit deci-
28 sions rendered by the General President or General Executive Council
29 to members or local unions involved and file copies of such decisions
30 for the records; assesses local unions interest at a uniform rate for per
31 capita dues delinquencies of thirty (30) or more days unless otherwise
32 determined by the General Executive Council; keep a correct record of
33 all members suspended and expelled and of all legal obligations due
34 from such suspended or expelled members; receive all monies paid
35 to this Association and deposit same in accordance with the require-
36 ments of Section 6(g) of Article One (1); hold in their possession not
37 more than the sum needed to conduct the limited business functions
38 of the International where it is impractical to issue checks or trans-
39 fer funds due to time constraints at a conference or convention and
40 deposit all sums in excess of that amount within twenty-four (24)

hours after receipt of same; and pay all legitimate bills and other obligations authorized in accordance with this Constitution, by official checks drawn against the accounts of this Association over their signature as General Secretary-Treasurer and countersigned by the General President or by an electronic disbursement provided that the process is consistent with the requirement of two signatures and requires proper segregation of duties between the two General Officers that can be verified by an audit trail.

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

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

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

In January of each year, the General Secretary-Treasurer shall execute a bond in a reliable bonding company to cover the financial secretary-treasurers, business representatives of the local unions, general chairpersons, councils and general committees and other officers of

73 local unions, general committees and councils who may be authorized
74 or obligated in the performance of their duties to receive or disburse
75 any funds of such local unions or councils. The amount of the bond in
76 each case shall be determined by the General Secretary-Treasurer, after
77 consideration of the amount of the funds involved, but in no case shall
78 it be less than Five Hundred Dollars (\$500.00). Premiums on bonds for
79 officers, representatives, business representatives of the local unions
80 or councils and general chairpersons shall be charged to the account of
81 and be paid by such local unions, councils or general committees.

82 Notwithstanding any other provisions of this Section, all bonds pro-
83 vided for herein shall be in such form and in such amount and placed
84 with such surety company as may be required by applicable law.

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

91 On the opening day of the SMART General Convention, the Gen-
92 eral Secretary-Treasurer shall submit to the General President, the
93 General Executive Council and the delegates a printed report contain-
94 ing a statement of revenue, expenses and fund balances audited and
95 approved by a certified public accountant. They shall have available
96 at the Convention all necessary documents and records in connection
97 with this report.

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

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

President and the General Executive Council. The books and accounts 105
of any local union or council shall be at all times open to inspection of 106
auditors appointed and authorized by the General Secretary-Treasurer 107
under this Section. 108

SEC. 1(g). The General Secretary-Treasurer is authorized to develop 109
and implement electronic forms and communications for any or all of 110
the functions of their office, and affiliates are authorized to use these 111
electronic modes in conjunction with or as substitutes for written or 112
printed modes. 113

ARTICLE SIX (6)

General Executive Council

SECTION 1

SEC. 1(a). The General Executive Council shall be composed of eighteen 2
(18) members, the General President and seventeen (17) General Vice 3
Presidents, and shall meet in regular session at such time and place 4
as may be designated by the General President. Special meetings of 5
the General Executive Council may be called by the General President 6
whenever in their opinion such special meetings are deemed necessary 7
or by a majority of the members of the General Executive Council. Any 8
General Executive Council or Think Tank meetings shall be held in the 9
confines of the geographical jurisdiction of this Association. 10

SEC. 1(b). The General President shall be the Chair, and the General 11
Secretary-Treasurer shall be the Executive Secretary. 12

SECTION 2 – GENERAL DUTIES

SEC. 2. Between Conventions the general executive, administrative 14
and judicial powers of this Association shall be vested in the General 15
Executive Council set forth in this Constitution. It shall consider and 16
decide all appeals and other matters properly presented to it. 17

of the International Association; the International Association's 49
 outside independent auditors; and any individual (or representative of 50
 a firm) whose expenditures are being examined or questioned. 51

SEC. 3(e). The Finance Committee shall have authority to employ 52
 outside independent legal counsel and/or outside independent audi- 53
 tors to assist the members in connection with their oversight duties 54
 provided, however, that the terms and tenure of employment of such 55
 outside, independent experts or specialists shall be subject to approval 56
 by the General Executive Council. 57

SEC. 3(f). The Finance Committee shall meet quarterly at such times 58
 and places as shall be designated by the Chairperson, or more often if 59
 additional meetings are requested by a majority of the members. 60

SEC. 3(g). The Finance Committee shall endeavor to cooperate with 61
 and assist the General President and the General Secretary-Treasurer 62
 in the performance of their respective constitutional duties. It shall 63
 furnish copies of the minutes of its meetings to the General President, 64
 the General Secretary-Treasurer, and all other General Vice Presidents 65
 as soon as may be practicable after each meeting is concluded. 66

SECTION 4 – PROCEDURE WHEN NOT IN SESSION 67

SEC. 4. The General Executive Council shall be empowered to transact 68
 business by correspondence when it is not in session. 69

SECTION 5 – REPORTS 70

SEC. 5. It shall be the duty of the General Executive Council to have 71
 reports prepared, either in printed or electronic format, and distrib- 72
 uted among the delegates on the opening day of the Convention. The 73
 reports of the General President and the General Executive Council 74
 may be combined. 75

ARTICLE SEVEN (7) **General Conventions**

SECTION 1 – TIME AND PLACE

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

SECTION 2 – REPRESENTATION AND VOTE

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

Credentials of delegates shall be mailed, or processed electronically in a format supported by the General Secretary-Treasurer and approved by the General Executive Council, to the General Secretary-Treasurer not later than the fifteenth (15th) day of the month preceding the month in which the Convention is held.

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

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

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

SEC. 2(d). Transportation Division Associations. The Association of General Chairpersons (District 1), Association of General Chairpersons (District 3), and the National Association of State Directors shall be entitled to a combined total of seventeen (17) delegates, each with one (1) vote. The delegates shall be apportioned by the General President upon the recommendation of the President Transportation Division to the associations according to their respective number of members. Each member of the General Executive Council from the Transportation Division shall be counted as being one of these delegates and the apportionment to the associations shall be adjusted according to the sector of the Transportation Division to which the members belong.

**SECTION 3 – QUALIFICATIONS
AND ELECTION OF DELEGATES**

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

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

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

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

SEC. 3(e). The General President Emeritus by virtue of their position shall be an automatic delegate to each SMART General or Special

Convention with a voice and vote in all deliberations and discussions 88
 but shall not be entitled to vote in the election of General Officers. 89

SEC. 3(f). Unless otherwise determined by the Convention, no local 90
 union or council shall be eligible to representation or vote in Conven- 91
 tion unless all dues, fees and other obligations due this Association are 92
 paid in full in accordance with the provisions of this Constitution. 93

**SECTION 4 – COMMITTEE ON CREDENTIALS AND 94
 GENERAL SECRETARY-TREASURER’S REPORT 95**

SEC. 4. The General President shall select from the credentials of 96
 accredited delegates a Credentials Committee, which shall perform such 97
 duties as required for all SMART and Transportation Division Conven- 98
 tions and shall also act as Committee on General Secretary-Treasurer’s 99
 Report, and the members thereof shall assemble at the General Office 100
 at least six (6) days prior to the opening of the Conventions. It shall 101
 be the duty of this Committee to examine the records and accounts 102
 of the General Secretary-Treasurer and audit report submitted by the 103
 certified public accountant. It shall examine all duplicate credentials 104
 received at the General Office and shall determine from the records 105
 at the General Office the standing of the chartered and affiliated local 106
 unions and councils and the elected delegates thereof. It shall receive 107
 all original credentials presented by delegates and be ready to submit 108
 its report at the opening of the Convention. 109

SECTION 5 – DELEGATE CREDENTIALS 110

SEC. 5. Each elected delegate shall establish their identity and right 111
 to a seat in Convention by presenting to the Credentials Committee 112
 the original form of official credential signed by the president and the 113
 recording secretary of the local union or council from which they are 114
 a delegate. Said credential shall bear the official seal of the local union 115
 or council. The General Secretary-Treasurer may establish an elec- 116
 tronic format for the processing of official credentials if the necessary 117

118 verifications as required by this constitution are met and such system
 119 is approved by the General Executive Council. Each delegate shall also
 120 present an official dues receipt, properly issued in accordance with
 121 this Constitution, showing actual payment of all dues and obligations
 122 to their local union for a period extending, at least, to the end of the
 123 month in which the Convention is held.

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

126 SECTION 6 – DELEGATE COMPENSATION

127 **SEC. 6.** Each local union, state, provincial and district council or
 128 Transportation Division association shall pay its delegates full
 129 transportation costs plus ordinary living expenses for the specified
 130 convention dates plus allowable associated travel days, none of which
 131 shall be refunded to the local union. Under no circumstances will
 132 travel days be duplicated. Each delegate not assigned to a commit-
 133 tee scheduled to meet during the Convention shall receive Fifteen
 134 Hundred Fifty Dollars (\$1,550.00) as compensation for attending the
 135 Convention, none of which shall be refunded to the local union.
 136 Delegates appointed as Conductors, Wardens or Escorts, in addition to
 137 delegate compensation, shall receive Three Hundred Seventy-Five Dol-
 138 lars (\$375.00) for each day of service, none of which shall be refunded
 139 to the local union. All compensation herein shall be paid by the
 140 International Association and shall continue thereafter until changed
 141 by action of a subsequent Convention. This Section shall not apply to
 142 paid officials or paid representatives of this Association.

143 SECTION 7 – CONSTITUTION COMMITTEE: 144 APPOINTMENT AND GENERAL DUTIES

145 **SEC. 7.** The General President shall select, from the credentials of
 146 accredited delegates, a Constitution Committee, the members of which
 147 shall assemble at the designated Convention city at least six (6) days

prior to the opening of the Convention. It shall be the duty of said Constitution Committee to consider all recommendations and proposed amendments to the Constitution properly submitted by General Officers, local unions, councils and delegates and to hold hearings and report their recommendations to the Convention for consideration and action. The Constitution Committee shall also have authority to initiate and recommend new legislation including amendments to this Constitution and submit the same to the Convention for consideration and action.

SECTION 8 – COMMITTEES GENERAL

SEC. 8. Not later than the opening day of the SMART Convention, the General President shall appoint the following other committees, including such Special Committees as needed to address the business of the International at convention:

- General President's and General Executive Council's Reports
- Rules
- Grievance and Appeals
- Political Action
- Resolutions
- Rail/Airline/Yardmaster
- Union Label
- Convention Compensation
- Apprentice
- Special
- Production
- Roofing and Building Enclosure
- Transit/Bus

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

176 **SECTION 9 – COMMITTEE COMPENSATION**

177 **SEC. 9.** Each member of the committees provided for in this Article
178 shall be paid Five Hundred Fifty Dollars (\$550.00) as compensation
179 for each day spent on committee business prior to, during or after the
180 Convention and for each day of attendance while the committee is in
181 session, including days en route to and from such Convention. This
182 compensation shall be in addition to delegate compensation except
183 for members of committees scheduled to meet during the Convention,
184 who shall receive only the compensation provided in this section.

185 The Committee on Credentials and General Secretary-Treasurer's
186 Report and the Constitution Committee if called into session at the
187 General Offices before the Convention shall receive Two Hundred
188 Seventy-Five Dollars (\$275.00) compensation per day and One-Hun-
189 dred Dollars (\$100.00) per day for expenses including days traveling to
190 and from their homes to the General Office, in addition to the cost of
191 lodging and air fare.

192 **SECTION 10 – QUORUM**

193 **SEC. 10.** A quorum for the transaction of business shall be a majority
194 of the delegates attending the Convention.

195 **SECTION 11 - ORDER OF BUSINESS**

196 **SEC. 11.** The following order of business shall govern the Convention
197 proceedings:

- 198 1. Call to order;
- 199 2. Receive credentials;
- 200 3. Reports of Committees on Credentials and Rules;

4. Roll call;	201
5. Announce or display: This meeting is an environment free of discrimination and harassment;	202
6. Selection of special committees;	204
7. Reports of Officers;	205
8. Resolutions, memorials and petitions;	206
9. Communications and bills;	207
10. Reports of committees;	208
11. Election of Officers;	209
12. Obligation of Officers;	210
13. Grievances and appeals;	211
14. Unfinished business;	212
15. New business;	213
16. Reports of delegates;	214
17. Adjournment.	215

SECTION 12 – ATTENDANCE OF GENERAL OFFICERS 216

SEC. 12. The General Officers shall be required to attend all Conventions, general or special, of this Association, and their salaries and expenses shall be paid from the funds of the Association at the established rate. 217
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SECTION 13 – CONVENTION GUESTS 221

SEC. 13. The General President with the approval of the General Executive Council shall have the authority to invite and compensate such Convention guests as they may deem proper. 222
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SECTION 14 – SPECIAL CONVENTIONS

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

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SECTION 15 – RESOLUTIONS

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SEC. 15. Resolutions, other than those to amend the Constitution, may be submitted by any local union or council, the General President, General Secretary-Treasurer, President Transportation Division, the General Executive Council or by the Resolutions Committee. Resolutions submitted by local unions or councils, General Committees and State Legislative Boards must be submitted separately by subject matter in resolution form and sent in triplicate to the General Secretary-Treasurer at the General Office at least sixty (60) days, as shown by postmark or confirmation by a courier, prior to the opening of the Convention at which such resolutions are to be considered, unless the requirements of this paragraph are waived by a two-thirds ($\frac{2}{3}$) vote of the delegates at the Convention. All resolutions proposed by any member of a local union shall be submitted to the local union Executive Board at least thirty (30) days prior to the submission thereof to the local union for consideration. All resolutions passed by local unions or councils must bear the signature of the president

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and recording secretary and the seal of the local union or council. All resolutions passed by General Committees or State Legislative Boards must bear the signature of the Chairperson or Director and Secretary of the Committee or Board.

SECTION 16

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

ARTICLE EIGHT (8) International Staff

SECTION 1 – APPOINTMENT

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

SECTION 2 – QUALIFICATIONS

SEC. 2. Any member in good standing is eligible to appointment to a position on the staff referred to in Section 1 of this Article if they are or become a member in good standing upon their appointment and is free from delinquencies of any nature to this Association or any local union or council thereof, including all dues and obligations to and for the month in which they are appointed.

18 **SECTION 3 – DUTIES**

19 **SEC. 3.** Members of the staff referred to in this Article shall be assigned
20 by the General President in such manner and in such territory as, in
21 their opinion, will best serve the needs and requirements of this Asso-
22 ciation. They shall report to the General President or their designated
23 representative at the General Office of the International Association.

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

30 **SECTION 4 – DIRECTORS' OFFICES**

31 **SEC. 4.** All Directors, except the Canadian Director, shall maintain offices
32 in the General Office of the International, except that their offices may
33 be located elsewhere, if the General President, subject to approval of the
34 General Executive Council, determines such relocation is prudent.

35 **SECTION 5 – COMPENSATION**

36 **SEC. 5.** Except as otherwise provided in this Section 5, the salary and
37 expenses of the Directors, Regional Directors, International Represent-
38 atives and International Organizers and the method of determining
39 same shall be that established by Convention action and shall con-
40 tinue thereafter until changed by action of a subsequent Convention.
41 Notwithstanding the previous sentence, the General President, with
42 the approval of the General Executive Council, shall have the right to
43 raise or lower the compensation and expenses of the above named
44 individuals and the International Staff members depending upon their
45 performance of their duties and responsibilities.

International Representatives and International Organizers shall be 46
 paid the average of the thirty (30) highest paid Business Managers in 47
 the United States and Canada, salary adjustments to be made on Jan- 48
 uary first of each year, and, whatever percentage increase in salary the 49
 International Representatives and International Organizers receive, 50
 the same percentage increase shall be granted to all General Officers 51
 and International staff personnel. 52

Should the above formula's implementation be inconsistent with 53
 budgetary considerations, it shall be implemented over a time frame as 54
 determined by the General President and the Finance Committee and 55
 with the approval of the General Executive Council. 56

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

SECTION 1 – ORGANIZATION

SEC. 1(a). State or Provincial Councils. A state or provincial council 2
 may be formed and chartered in any state in the United States or 3
 province in Canada when approved by the General President, provided 4
 at least two-thirds (2/3) of the local unions in the particular state or 5
 province approve of the formation of such council and join in making 6
 application to this Association for a state or provincial council charter. 7

SEC. 1(b). District Councils. When approved by the General Pres- 8
 ident, a district council, other than a railroad district council, may be 9
 formed and chartered by a two-thirds (2/3) majority of the local unions 10
 within a specified territory in more than one (1) state or province, pro- 11
 vided that no district council, other than a railroad district council, shall 12
 be formed or chartered within a state or province where a chartered 13
 state or provincial council already exists. A railroad district council, 14

15 covered under Article Twenty-One A (21A), may be established on such
16 railroad or railroads as may be determined by the General President.

17 **SEC. 1(c). Special Councils.** When the interest of this Association
18 warrants the establishment of a council, other than a state, provincial,
19 district or railroad district council, the General President may form
20 and charter a special council. The members of such special councils
21 may be determined by the General President based on the stated pur-
22 pose of the council. A special council shall not be entitled to a delegate
23 to the General Convention.

24 SECTION 2 – CHARTER APPLICATION

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

30 SECTION 3 – GOVERNMENT

31 **SEC. 3.** State, provincial, and district councils shall not adopt any
32 rules, regulations or policies which in any way conflict with the pro-
33 visions and intent of this Constitution; nor shall any additional rules
34 or regulations, not included in this Constitution, be adopted until
35 they are first submitted to the General Secretary-Treasurer for con-
36 sideration and official notice of approval received from the General
37 Secretary-Treasurer.

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

SECTION 4 – PENSIONS

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

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SECTION 5 – REGIONAL COUNCILS

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SEC. 5. The General President, with approval of the General Executive Council, may establish a regional council, which may be made up of any number of local unions from one or more states or provinces, except locals in the Transportation Division. The General President may, with approval of the General Executive Council, increase or decrease the number of participating local unions within the jurisdiction of the regional council.

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SECTION 6 – CHARTER APPLICATION

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SEC. 6. Each regional council shall be issued a charter by the International Association which shall bear the numbers of the local unions who are within the jurisdiction of the regional council. The regional council shall also be issued an official seal by the International Association.

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SECTION 7 – GOVERNMENT

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SEC. 7(a). All local unions within the territorial jurisdiction of the regional council shall be fully affiliated with the regional council and shall come under its jurisdiction.

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SEC. 7(b). All of the provisions and requirements of work jurisdiction, governing, administration and operation of the regional council shall be established by and approved by the General Executive Council notwithstanding the provisions of Article 10, 11, 12 and other provisions of this Constitution having to do with the organization and operation of local unions except insofar as the General Executive Council incorporates them. The chief executive officer of a regional council shall be

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71 a delegate to the General Convention by virtue of office, unless they
72 are a delegate because of an office or position held in a local union.

ARTICLE TEN (10) Local Unions

SECTION 1 – CHARTERS

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

7 **SEC. 1(b).** Upon request, the General Secretary-Treasurer shall
8 furnish official forms of application for each of the twenty-five (25)
9 or more qualified applicants. Upon receipt of the required number of
10 application forms, properly filled out and signed by the applicants, and
11 accompanied by the payment of three (3) months' dues plus the Inter-
12 national initiation fee per applicant from each applicant, the General
13 Secretary-Treasurer, after approval by the General President, shall
14 issue a charter for the new local union with a designated number and
15 official seal. They shall forward the charter and seal to said local union,
16 together with necessary supplies, a complete set of books with proper
17 entry and credit for the amount paid by each applicant and recorded
18 on official receipts in either printed or electronic form as approved by
19 the General Secretary-Treasurer and maintained in the official receipt
20 book of the new local union.

21 **SEC. 1(c).** From the total amount forwarded to the General Secre-
22 tary-Treasurer by applicants for a charter, they shall retain forty-five
23 percent (45%) per applicant of the International initiation fee and the
24 International per capita dues for each applicant for three (3) months in
25 advance. The balance of the money received from applicants shall be
26 refunded to the financial secretary-treasurer of the newly chartered

local union and each applicant shall receive an official receipt credit- 27
 ing them with their initiation fee and per capita dues received by the 28
 General Office as herein provided. 29

SEC. 1(d). After receipt of the required number of application forms, 30
 properly filled out and signed by the Regional Council, the General 31
 Secretary-Treasurer, after approval by the General President, shall 32
 issue a charter for the new regional council with a designated num- 33
 ber and official seal. They shall forward the charter and seal to said 34
 regional council. 35

SECTION 2 – REVENUES, FEES AND DUES 36

SEC. 2(a). After a local union charter has been issued, each additional 37
 applicant for membership therein, shall be required to pay a local initi- 38
 ation fee of not more than Fifteen Dollars (\$15.00) plus dues in advance 39
 beginning with the month in which initiation is properly recorded. 40
 Said local initiation fee shall be effective for a period of ninety (90) 41
 days from date of issuance of charter and shall include forty-five per- 42
 cent (45%) International initiation fee. 43

SEC. 2(b). From the ninety-first (91st) day after the issuance of a 44
 charter, each local union may establish and collect a local initiation 45
 fee of not more than Five Hundred Dollars (\$500.00), nor less than the 46
 amount established by the local union by-laws or policies, plus dues in 47
 advance beginning in the month in which such initiation is properly 48
 recorded. Forty-five percent (45%) of any initiation or reinitiation fee 49
 collected by a local union shall constitute the International initiation 50
 or reinitiation fee and be paid to the International Association. 51

At least thirty-five percent (35%) of the fees collected pursuant to 52
 this Section shall be paid to the General Fund, and up to five percent 53
 (5%) shall be apportioned on a basis determined by the General Execu- 54
 tive Council between the SMART Local Unions and Councils Pension 55
 Fund (United States) and the SMART Local Unions and Councils Pen- 56
 sion Fund (Canada) and/or retained as SMART general revenue to pay 57

58 benefits under the SMART Local Unions and Councils Supplemental
59 Employee Retirement Plan (Canada), and up to five percent (5%) shall
60 be paid to the Sheet Metal Workers' International Staff Pension Fund.

61 **SEC. 2(c).** Each payment on initiation, reinitiation or reinstatement
62 fee, collected by a local union, including payments by apprentices, shall
63 be recorded on an official receipt, in either printed or in electronic
64 form as approved by the General Secretary-Treasurer. Electronic
65 receipts, or receipts purchased from the General Office shall have
66 recorded thereon, in the space provided therefore, the applicable
67 percentage of such payment as described in Section 2(b) of this Article
68 Ten (10) on initiation, reinitiation or reinstatement fees due this Asso-
69 ciation. Electronic receipts or the white duplicate (copy) of such official
70 paper receipt, together with the money shown thereon to be due this
71 Association, shall be forwarded by the financial secretary-treasurer
72 with their monthly report for the month in which such initiation,
73 reinitiation or reinstatement fees or payments thereon were recorded
74 on such official receipts.

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

81 All funds received by this Association as payments on initiation, reini-
82 tiation or reinstatement fees shall belong to and remain the property of
83 this Association whether or not the applicant for membership com-
84 pletes payment on their full initiation, reinitiation or reinstatement fee.

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

88 **SEC. 2(e).** Notwithstanding any other provision of this Article, the
89 General President is authorized to waive or reduce the amount of local

union dues or local or International reinstatement, initiation or reinitiation fee for a specified amount of time for a specified purpose such as in conjunction with a recruitment or organizing drive, or when a local union requests a waiver or reduction in writing, or when peculiar conditions so justify.

SEC. 2(f). Each local union shall establish and maintain a monthly or quarterly rate of dues sufficient to carry on the affairs of such local union on a sound financial basis, where for the purposes of this section a minimal threshold shall be considered as three (3) months' operating expenses for the local union, based on the previous year's audit of expenses, having in mind its current and prospective needs and requirements and its obligations due this Association, including monthly per capita dues. If the assets of the local union should fall below the six (6) month level, the local union financial secretary-treasurer shall submit to the General Secretary-Treasurer a plan for restoring the assets of the local union to a sound financial basis. The amount of said dues in no case shall be less than those prescribed in this Constitution. The dues of all members of local unions shall be paid monthly or quarterly, but always in advance. A late fee may be charged for dues payments not made in advance of the current month if approved by the local union. A member may not work unless their dues are paid up as provided in this Section. Failure to pay dues within two (2) months shall result in automatic suspension from membership. In the event of death, dues paid in advance of the month of death shall be refunded to the legally designated beneficiary of the deceased by the local union which will receive a credit for the per capita dues.

SEC. 2(g).

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

- 120 a. In local unions, the membership of which is five
121 hundred (500) or less, the equivalent of three and
122 one-half (3 ½) hours' pay, plus full per capita dues;
- 123 b. In local unions, the membership of which is
124 between five hundred and one (501) to one
125 thousand (1,000), the equivalent of three (3)
126 hours' pay, plus full per capita dues;
- 127 c. In local unions, the membership of which exceeds
128 one thousand (1,000), the equivalent of two and one-
129 half (2 ½) hours' pay, plus full per capita dues;
- 130 d. In determining the number of members for
131 the foregoing purposes, all members engaged
132 in the building and construction industry
133 of the local union shall be included.
- 134 2. The minimum monthly dues for other workers in a
135 building and construction trades local union shall be the
136 equivalent of two and one-half (2 ½) hours' pay, plus full
137 per capita dues. The local shall determine how to set the
138 average, but in no case shall the minimum monthly dues
139 be less than Seventeen Dollars (\$17.00) per month.
- 140 3. The minimum monthly dues for members of all other local
141 unions shall be the equivalent of two and one-half (2 ½)
142 hours' pay plus full per capita dues. The local shall determine
143 how to set the average, but in no case shall the minimum
144 dues be less than Seventeen Dollars (\$17.00) per month.
- 145 4. (a) For building trades members, the term "hours' pay"
146 as used herein shall mean the wage/fringe package,
147 but shall not include zone rates, special project
148 rates, or similar increments over the basic rate.

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| <ul style="list-style-type: none"> <li style="margin-bottom: 1em;"> <ul style="list-style-type: none"> <li style="margin-bottom: 0.5em;">b. For production worker members, the term “hours’ pay” <li style="margin-bottom: 0.5em;">as used herein shall mean the basic taxable hourly <li style="margin-bottom: 0.5em;">contract rates, including all lump sum payments made <li style="margin-bottom: 0.5em;">by an employer in lieu of increases in employees’ <li style="margin-bottom: 0.5em;">basic hourly rate, but shall not include fringe <li style="margin-bottom: 0.5em;">benefits, zone rates, special project rates, incentive <li style="margin-bottom: 0.5em;">rates or similar increments over the basic rate. <li style="margin-bottom: 1em;">5. The number of members of each local union on <li style="margin-bottom: 1em;">which the minimum rate of dues will be based shall <li style="margin-bottom: 1em;">be the average number of members of each local <li style="margin-bottom: 1em;">union during the previous calendar year. <li style="margin-bottom: 1em;">6. In applying the formula in this Section, incremental <li style="margin-bottom: 1em;">increases which may result from adjustments in <li style="margin-bottom: 1em;">the hourly rates of pay shall be due on January 1 <li style="margin-bottom: 1em;">of the year following such adjustments. <li style="margin-bottom: 1em;">7. In determining the rate of monthly dues payable, the amount <li style="margin-bottom: 1em;">shall be rounded out to the nearest Twenty-Five Cents (\$.25). <li style="margin-bottom: 1em;">8. Notwithstanding any other provisions of this Section, (a) <li style="margin-bottom: 1em;">retired members who are not limited members shall pay <li style="margin-bottom: 1em;">dues at the rate their local union may establish but in no <li style="margin-bottom: 1em;">event less than Sixteen Dollars (\$16.00), or greater than <li style="margin-bottom: 1em;">Twenty-Two Dollars (\$22.00) per month which includes <li style="margin-bottom: 1em;">full per capita dues and (b) disabled members shall pay <li style="margin-bottom: 1em;">dues at the rate their local union may establish for such <li style="margin-bottom: 1em;">status but in no event less than Sixteen Dollars (\$16.00), per <li style="margin-bottom: 1em;">month which includes full per capita dues. The appropriate <li style="margin-bottom: 1em;">per capita dues for retired and disabled members shall <li style="margin-bottom: 1em;">be that established for production worker members. | <ul style="list-style-type: none"> <li style="margin-bottom: 1em;">149 <li style="margin-bottom: 1em;">150 <li style="margin-bottom: 1em;">151 <li style="margin-bottom: 1em;">152 <li style="margin-bottom: 1em;">153 <li style="margin-bottom: 1em;">154 <li style="margin-bottom: 1em;">155 <li style="margin-bottom: 1em;">156 <li style="margin-bottom: 1em;">157 <li style="margin-bottom: 1em;">158 <li style="margin-bottom: 1em;">159 <li style="margin-bottom: 1em;">160 <li style="margin-bottom: 1em;">161 <li style="margin-bottom: 1em;">162 <li style="margin-bottom: 1em;">163 <li style="margin-bottom: 1em;">164 <li style="margin-bottom: 1em;">165 <li style="margin-bottom: 1em;">166 <li style="margin-bottom: 1em;">167 <li style="margin-bottom: 1em;">168 <li style="margin-bottom: 1em;">169 <li style="margin-bottom: 1em;">170 <li style="margin-bottom: 1em;">171 <li style="margin-bottom: 1em;">172 <li style="margin-bottom: 1em;">173 <li style="margin-bottom: 1em;">174 <li style="margin-bottom: 1em;">175 <li style="margin-bottom: 1em;">176 |
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177 9. In the event a local union can demonstrate to the General
 178 Executive Council that it has and can maintain financial
 179 reserves sufficient to meet normal operating expenses for
 180 a six month period and, further, that the local union has
 181 by secret ballot vote authorized the local union to seek
 182 such relief, the General Executive Council may approve a
 183 reduction in the rate of minimum dues to such local union
 184 in an amount deemed appropriate, provided, however, that
 185 the rate of dues for an active member shall not be lower
 186 than the rate set forth in Paragraph 3 of this Section.

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

189 The monthly per capita dues shall be as follows:

190 **JANUARY 1, 2020**

- 191 ■ Railroad Members \$34.00
- 192 ■ Production Members \$17.00
- 193 ■ Shipyard Members \$17.00
- 194 ■ Classified Non-Building Trades \$16.00
- 195 ■ Government Members \$17.00
- 196 ■ Retired & Disabled Members \$16.00

197 **JULY 1, 2020**

- 198 ■ The monthly per capita working dues
 199 shall increase (\$.02) an hour.
- 200 ■ Building Trades Members \$26.00 + \$.19 an hour
- 201 ■ Residential & Industrial Members \$18.00 + \$.19 an hour
 202 *(who earn 75% or less of the journeyperson wage package)*

▪ Shinglers	\$19.00 + .15% gross wage	203
▪ Roofers	\$17.00 + \$.19 an hour	204
▪ Classified Workers (SFUA)	\$15.00 + \$.19 an hour	205
▪ Apprentice Members	\$13.00 + \$.19 an hour	206
▪ Pre-apprentice Members	\$10.00 + \$.19 an hour	207

JANUARY 1, 2021

▪ Railroad Members	\$34.00	209
▪ Production Members	\$17.00	210
▪ Shipyard Members	\$17.00	211
▪ Classified Non-Building Trades	\$16.00	212
▪ Government Members	\$17.00	213
▪ Retired & Disabled Members	\$16.00	214

JULY 1, 2021

▪ The monthly per capita working dues shall increase (\$.01) an hour.		216 217
▪ Building Trades Members	\$26.00 + \$.20 an hour	218
▪ Residential & Industrial Members	\$18.00 + \$.20 an hour <i>(who earn 75% or less of the journey person wage package)</i>	219 220
▪ Shinglers	\$19.00 + .15% gross wage	221
▪ Roofers	\$17.00 + \$.20 an hour	222
▪ Classified Workers (SFUA)	\$15.00 + \$.20 an hour	223
▪ Apprentice Members	\$13.00 + \$.20 an hour	224
▪ Pre-apprentice Members	\$10.00 + \$.20 an hour	225

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JANUARY 1, 2022

- 227 ▪ Railroad Members \$34.00
- 228 ▪ Production Members \$17.00
- 229 ▪ Shipyard Members \$17.00
- 230 ▪ Classified Non-Building Trades \$16.00
- 231 ▪ Government Members \$17.00
- 232 ▪ Retired & Disabled Members \$16.00

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JULY 1, 2022

- 234 ▪ The monthly per capita working dues
235 shall increase (\$.02) an hour.
- 236 ▪ Building Trades Members \$26.00 + \$.22 an hour
- 237 ▪ Residential & Industrial Members \$18.00 + \$.22 an hour
238 *(who earn 75% or less of the journeyperson wage package)*
- 239 ▪ Shinglers \$19.00 + .15% gross wage
- 240 ▪ Roofers \$17.00 + \$.22 an hour
- 241 ▪ Classified Workers (SFUA) \$15.00 + \$.22 an hour
- 242 ▪ Apprentice Members \$13.00 + \$.22 an hour
- 243 ▪ Pre-apprentice Members \$10.00 + \$.22 an hour

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JANUARY 1, 2023

- 245 ▪ Railroad Members \$34.00
- 246 ▪ Production Members \$17.00
- 247 ▪ Shipyard Members \$17.00
- 248 ▪ Classified Non-Building Trades \$16.00

▪ Government Members	\$17.00	249
▪ Retired & Disabled Members	\$16.00	250

JULY 1, 2023 251

▪ The monthly per capita working dues shall increase (\$.01) an hour.		252 253
▪ Building Trades Members	\$26.00 + \$.23 an hour	254
▪ Residential & Industrial Members	\$18.00 + \$.23 an hour	255
<i>(who earn 75% or less of the journey person wage package)</i>		256
▪ Shinglers	\$19.00 + .15% gross wage	257
▪ Roofers	\$17.00 + \$.23 an hour	258
▪ Classified Workers (SFUA)	\$15.00 + \$.23 an hour	259
▪ Apprentice Members	\$13.00 + \$.23 an hour	260
▪ Pre-apprentice Members	\$10.00 + \$.23 an hour	261

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▪ Railroad Members	\$34.00	263
▪ Production Members	\$17.00	264
▪ Shipyard Members	\$17.00	265
▪ Classified Non-Building Trades	\$16.00	266
▪ Government Members	\$17.00	267
▪ Retired & Disabled Members	\$16.00	268

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▪ The monthly per capita working dues shall not increase.		270
▪ Building Trades Members	\$26.00 + \$.23 an hour	271

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

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

SECTION 4 – GOVERNMENT

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

SECTION 5 – LOCAL RULES, REGULATIONS AND POLICIES

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

The provisions of this Constitution relating to local unions and the members thereof shall constitute the by-laws of those local unions which do not adopt by-laws of their own. Local union by-laws shall be filed through an electronic means approved by the General Secretary-Treasurer and no provisions thereof which are objected to by them as being inconsistent with this Constitution, the policies of

330 this Association or the requirements of law shall be made effective or
331 continued in effect. Any finding made by the General Secretary-Trea-
332 surer that a provision of the by-laws of the local union is objectionable
333 may be appealed as provided in Article Nineteen (19).

334 SECTION 6 – MEETINGS

335 **SEC. 6(a).** Each local union shall determine the times and places
336 for the holding of its regular meetings, which must be held at least
337 quarterly, and determine how many of its members shall constitute a
338 quorum. Special meetings shall be called by the local union president
339 upon the request of two-thirds ($\frac{2}{3}$) of the members of the local union
340 Executive Board or upon the request of at least ten (10) members in
341 good standing or twenty percent (20%) of the members in good stand-
342 ing if submitted by signed petition, or where a motion for a special
343 meeting is proposed and accepted at a regular membership meeting
344 by at least ten (10) members in good standing or two-thirds ($\frac{2}{3}$) of the
345 members in good standing who are in attendance at a regular meeting,
346 whichever is greater. The call for such special meeting shall specify
347 the time, place and purposes thereof, and no subjects other than those
348 specified in the call shall be considered at such meeting.

349 A special order of business may be placed on the agenda by the local
350 union president or business manager or by motion adopted by a two-
351 thirds ($\frac{2}{3}$) vote at a previous regular meeting. The membership shall be
352 notified of the subject of the special order of business which shall be
353 brought to the floor at the next regular meeting.

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

- 356 1. Call the meeting to order;
- 357 2. Warden, take charge of the door;
- 358 3. Conductor, examine dues receipts;

4. Roll call of officers;	359
5. Roll call of members;	360
6. Announce or display: This meeting is an environment free of discrimination and harassment;	361 362
7. Reading of minutes;	363
8. Installation of officers when applicable;	364
9. Applications for membership;	365
10. Initiations;	366
11. Communications and bills;	367
12. Reading of receipts from General Office;	368
13. Financial secretary-treasurer's report;	369
14. Special orders of business when applicable;	370
15. Reports of the business manager, business representatives, organizers, other officers and shop stewards;	371 372
16. Reports of delegates and committees;	373
17. Unfinished business;	374
18. Trade instruction;	375
19. New business for good of the Union;	376
20. Good and welfare;	377
21. Adjournment	378

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

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SECTION 7 – MERGER OR SEPARATION

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

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SECTION 8 – VOLUNTARY DISSOLUTION

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

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

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

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

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

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SECTION 9 – AUTOMATIC SUSPENSION AND FORFEITURE OF CHARTER

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

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

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SECTION 10 – SURRENDER OF PROPERTY

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

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443 this Association, suspension, revocation of charter, voluntary dissolution,
444 lapsing or disbanding of any local union, to the members thereof
445 or to anyone other than the General Secretary-Treasurer shall be
446 contrary to this Constitution and exceed the authority of any officer or
447 officers of such local union and the members thereof.

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

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

465 SECTION 11 – REPORTS

466 **SEC. 11(a).** A report of all receipts, disbursements and balance on hand,
467 determined by examination and proper audit of the books and records
468 of the financial secretary-treasurer, properly signed and certified
469 to by the trustees, shall be prepared and forwarded to the General
470 Secretary-Treasurer not later than ninety (90) days after the close of
471 each quarter ending March 31, June 30, September 30 and December
472 31 of each year. If a quarterly certified audit of the books and records
473 of the local union is made, the forwarding of same by the trustees to

the General Secretary-Treasurer shall constitute compliance with this Section. Such audits shall be accepted with the signature of the local union financial secretary-treasurer and at least three (3) trustees.

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

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

SECTION 12 – OFFICIAL SUPPLIES

SEC. 12. All Constitutions and Rituals, official receipts, application and report forms, cards, books and all other supplies necessary to the proper conduct and operation of local unions, shall be purchased from the General Office and shall be forwarded to local unions in good standing on receipt of orders from the duly authorized officers of said local union at list price; money order, check or bank draft for the amount due to accompany each order. Copies of the Constitution, as amended, shall be forwarded, free of charge, to local unions in good-standing for distribution to their members in good standing

505 on a one time basis subsequent to the conclusion of each General
 506 Convention. Fifteen (15), Twenty-Five (25), Forty (40), Fifty (50), Sixty
 507 (60), Seventy (70), and Seventy-five (75) year pins shall be furnished to
 508 local unions free of charge. In addition, a special presentation shall be
 509 provided to honor Seventy (70) and Seventy-five (75) year members.

510 SECTION 13 – LOCAL UNION FUNDS

511 **SEC. 13.** Local union funds shall be derived from sources specified
 512 in this Constitution and shall not be appropriated, loaned, donated,
 513 or disbursed for any purpose except the recognized and necessary
 514 operating and organizing expenses, including capital transactions, of
 515 the local union and dues, fees, and other obligations due this Associa-
 516 tion except as provided in Section 2(g) of Article Three (3) and Sections
 517 2(b) and 2(c) of Article Ten (10) and no monies received from members
 518 for the payment of International per capita dues shall be diverted to
 519 any use or purpose other than the payment of per capita dues to the
 520 International Association.

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

532 SECTION 14 – DISBURSEMENTS

533 **SEC. 14.** Except for per capita dues, fees and obligations due this Associ-
 534 ation, no bills or obligations shall be paid from the funds of local unions

except by vote of the membership and on checks with at least two signatures, that of the financial secretary-treasurer and the other of the president or another officer duly authorized by the local union except a trustee, provided, however, that initial approval of commitments for salaries, rent, telephones and similar recurring expenditures required in the normal and regular operation of the union shall be sufficient compliance with this Section, but such expenditures shall be itemized in the report of the financial secretary-treasurer and read at the meeting. In lieu of issuing checks, the local union may make electronic disbursements provided that the process is consistent with the requirement of two signatures and requires proper segregation of duties between the financial secretary-treasurer and the president or other duly authorized officer which can and shall be verified by an audit trail.

SECTION 15 – COMMITTEES

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

SECTION 16 – APPEALS FOR AID

SEC. 16. There shall be established, maintained, and promoted by the International Association a fund to be known as the SMART

565 Disaster Relief Fund for the purpose of providing financial assistance
 566 to SMART members who incur extraordinary losses due to disasters.
 567 This Fund will be dependent on voluntary contributions received from
 568 members, local unions and councils, and, when warranted, grants from
 569 the General Fund as determined by the General Executive Council.
 570 The Disaster Relief Committee, composed of the General President,
 571 General Secretary-Treasurer and First Vice President, will review appli-
 572 cations from local unions for disaster relief and decide whether and
 573 how much financial relief should be approved.

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

580 SECTION 17 – GENERAL OBLIGATIONS

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

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

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

594 Each local union having Taft-Hartley trust funds are encouraged
 595 to join the National Coordinating Committee of Multiemployer Plans

(NCCMP) in order to support the advocacy and protection of multiemployer plans and their participants.

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ARTICLE ELEVEN (11)

Local Union or Council Benefit Plans

SECTION 1 – RESPONSIBILITY

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

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

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

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ARTICLE TWELVE (12)

Local Union Officers, Business Managers, and Business Representatives

SECTION 1 – NUMBER OF OFFICERS AND TITLES

SEC 1. The officers of each local union shall be a business manager, president, vice president, recording secretary, financial secretary-treasurer, conductor, warden, the members of the local union Executive Board and at least three (3) trustees. Under no circumstances shall the offices of president and financial secretary-treasurer be combined, nor shall the president, vice president, financial secretary-treasurer or recording secretary be eligible or permitted to act or serve as trustee of the local union, nor may the business manager or business representatives or trustees be eligible or permitted to act or serve as members of the Executive Board except where the offices of the business manager or business representative have been combined with those of president, vice president or recording secretary, in accordance with this Section. Except as provided in Section 3 of this Article, any offices and positions, the duties of which are not inconsistent, may be combined, or offices and positions previously combined may be separated by action of the local union at a special called meeting or as a special order of business at a regular meeting held not less than sixty (60) days prior to the next regular election. The positions of conductor and warden may be combined as stated above, or at any time a vacancy in either position occurs with a thirty (30) day notice to the membership of the intent to combine such positions prior to appointment or election as a special order of business at a regular union meeting.

SECTION 1(a) – SUPPORT FOR CAMPAIGN

SEC. 1(a). No candidate, including a prospective candidate for any position set forth in Article Twelve (12), Sections 1 or 2, and supporter of

a candidate, may solicit or accept financial support, or any other direct or indirect support of any kind, except an individual's own volunteered personal time, from any non-member, or associate or honorary member; nor may an owner- member, lawyer or employer volunteer personal time in support of such a prospective candidate.

SEC. 1(b). No candidate, including a prospective candidate, for any position set forth in Article Twelve (12), Sections 1 and 2, or supporter of a candidate, may use the SMART Logo, or any variations of the former SMWIA or UTU Logo, in any campaign literature or electronic media used to endorse such candidates.

**SECTION 2 – NUMBER OF BUSINESS MANAGERS
AND BUSINESS REPRESENTATIVES**

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

SEC. 2(b). If during the regular term of office the economic conditions within the local union dictate a reduction in the number of business representatives to maintain the economic viability of the local union, the local union after approval of the membership at a special order of business at a regular monthly meeting, or at a special called meeting, shall submit their plan for such reduction to the General President for final approval. The plan submitted to the General President shall include: 1) a complete local union budget for the current year including all anticipated revenues and expenses, 2) a financial plan for the next two years, 3) the last two-years annual financial audits, 4) all trustees quarterly reports (TQR) for the current

58 year, and 5) if there are multiple business representative positions, list
59 the process for determining which business representative position
60 will be reduced.

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SECTION 3 – QUALIFICATIONS

62 **SEC. 3.** No member shall be nominated for or elected to two (2) local
63 union offices or positions at the same time unless prior to said nomi-
64 nations such offices had been combined by action of the local union.
65 No member shall be eligible to nomination, election, or appointment,
66 nor shall they be permitted to continue to serve as an officer, business
67 manager, business representative, delegate, trustee or other represen-
68 tative of any affiliated local union unless (a) they are paying the rate
69 that keeps them a member in good standing in such local union, (b)
70 such dues and other obligations due the local union and this Associ-
71 ation must be paid before the first day of the current month and are
72 properly recorded on official receipts in their possession and/or the
73 member has signed an authorization to their employer to checkoff
74 dues and the employer has deducted the dues, or has failed to make or
75 remit the authorized deduction from available wages, which shall be
76 verified by the Financial Secretary-Treasurer at the time of nomina-
77 tion or within three (3) days thereafter and (c) they have established a
78 record of continuous good standing in the local union in which they
79 are a candidate for a period of not less than two (2) consecutive years,
80 which may include years as an apprentice-member but no longer
81 serving an apprenticeship, immediately preceding their nomination,
82 appointment or election, except where a new local union has not been
83 in existence, or where no one willing to accept nomination or appoint-
84 ment to a particular office or position has a record of continuous good
85 standing, for such period, in which case a shorter period for eligibil-
86 ity may be prescribed only if the local union includes the following
87 language in its notice of nominations: "If there are no members willing
88 to accept nomination for a particular office or position who meet the

eligibility requirement of two (2) consecutive years of continuous good standing, the local union will waive this eligibility requirement at the nominations meeting and accept nominations from members with less than two (2) consecutive years of continuous good standing for that office or position if a majority of the members in attendance vote to approve this waiver” and the membership approves the waiver; nor shall they be eligible for nomination, election or appointment or permitted to continue to serve if they are retired on pension under the provisions of the Social Security Act or Railroad Retirement Act or on a pension from this Association or any local union or council thereof or from any pension plan negotiated with employers unless distribution of such pension has been mandated by the requirements of the Internal Revenue Code or other applicable law unless said retiree has suspended pension payments and said retiree has returned to active service and has worked at the trade for not less than one (1) year immediately prior to date of nomination. A new local union as used in this paragraph shall not include a new local union resulting from a merger, amalgamation or separation of other local unions which have been in existence for two (2) years or more.

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

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SECTION 4 – NOMINATION

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

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Any member who is nominated for local union office and who is not present at the meeting at which nominations are made shall be dropped from the list of nominees unless within five (5) days after such nomination they notify the recording secretary in writing of their willingness to run for such office.

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SECTION 5 – NOTICE

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SEC. 5. Only good standing members, who are not owner-members, are eligible to participate and vote and all good standing members of affiliated local unions shall be notified in advance, by written notice, or by notice printed in a publication customarily mailed to all members regarding the date, time, place and purpose of meeting for nomination and also regarding the dates, times and places of elections. Notice of election shall be mailed to the last known home address of each member not less than fifteen (15) days prior to such election.

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SECTION 6 – ELECTIONS

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SEC. 6(a). Elections may be held under such rules as are not inconsistent with this Constitution and at such times and places following the nominations as the local union may decide, provided (a) that the

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selection of the times and places shall afford the membership a reasonable opportunity to vote, including the notice provided for in Section 5 of this Article, (b) that the election shall be held in the month of June, (c) that officers, business manager and business representatives shall be elected from duly nominated candidates and not by “write-in ballots,” and (d) that absentee ballots shall not be used or accepted.

Elections shall be conducted by secret ballot except in those instances where there is only one (1) nominee for the office. The nominee receiving the highest number of votes for each office shall be declared elected. In the absence of a provision in the local union bylaws or election rules to govern resolution of a tie vote occurring in any local union election, the winning candidate for office shall be selected by the drawing of lots in the presence of the candidates.

For extraordinary elections, a mail ballot or an electronic method for election may be conducted if (a) the membership approves use of either a mail ballot or electronic method by a two-thirds ($\frac{2}{3}$) vote at a special meeting, and (b) the General President approves use of the mail ballot, or (c) the General President recommends the use of an electronic method to the General Executive Council for its approval. Procedures shall be used to ensure the secret ballot.

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

SEC. 6(c). Tellers & Judge. The tellers and judge shall make arrangements for and conduct the election at the times and places specified by the local union in accordance with this Constitution; examine and count all tallies from voting machines or other electronic methods and legal ballots cast; prepare a written report of all tallies and ballots cast for

179 each candidate and the number of void ballots; sign said report in the
180 presence of each other and submit the same to the recording secretary.

181 Whenever the local union shall provide for the casting of ballots at
182 times and places other than at a meeting of the local union, all tallies
183 and ballots received by the judge and tellers shall be sealed and shall
184 be counted officially at one (1) time and place to be fixed by the local
185 union for the count of all ballots cast in the local union elections.

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

188 Each candidate for office shall be entitled, upon request, to appoint
189 one good standing member, but not themselves or another candidate,
190 as an observer at each polling site who shall be permitted to witness
191 the manner of distribution, casting and tabulation of ballots.

192 **SEC. 6(d). Report to General Secretary-Treasurer.** After the report
193 of the tellers and judge has been submitted to the recording secretary,
194 they shall immediately file through the approved electronic means
195 approved by the General Executive Council with the General Secre-
196 tary-Treasurer the names and addresses of the newly elected officers,
197 business manager and business representatives and thereafter notice
198 of any change in same. Such report shall contain the number of the
199 dues receipts of each elected officer showing payment to and for the
200 month(s) in which nominations and election occurred and a complete
201 tally sheet showing the exact vote for each office.

202 **SEC. 6(e). Contesting Elections.** Complaints as to the violation of
203 this Constitution or applicable law in the conduct of a local union
204 election shall be filed with the General President within seven (7)
205 days from the date of the election report of the recording secretary,
206 provided, however, that any member having knowledge of an alleged
207 irregularity in an election during the time it is being conducted who
208 fails to notify the judge of election of same immediately upon acquir-
209 ing such knowledge shall not be entitled to an appeal to the General

President upon such irregularity. The decision of the General President shall be final and not subject to further appeal. 210
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SECTION 7 – TERM OF OFFICE 212

SEC. 7. Local union officers and business representatives shall be installed at a regular or special called meeting no later than the month following their election. All local union officers and business representatives shall be elected to serve a term of three (3) years. Whenever there is a change in the business manager or the financial secretary-treasurer, the local union shall have the financial books and records audited by an independent certified public accountant, or chartered accountant in Canada, from the beginning of the fiscal year until the date the new business manager or financial secretary-treasurer is installed. The General Secretary-Treasurer may waive or modify this requirement for good cause. 213
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SECTION 8 – VACANCIES 224

SEC. 8(a). When a permanent vacancy occurs in any office or position the local union shall promptly fill the same for the unexpired term by nomination at a regular or special meeting and by election held in the same manner and under the same rules as those governing regular elections. Vacancies in the positions of recording secretary, warden, conductor and trustee(s) may be filled through notice to the membership of nominations and elections to take place at the regularly scheduled meeting(s) of the local union. If a vacancy occurs within the eighteen (18) month period prior to the next regular election such office may be filled by appointment by the local union Executive Board. 225
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No incumbent of any office or position in a local union shall be eligible for nomination, election or appointment to fill a permanent vacancy in accordance with the provisions of this Section 8(a) unless prior thereto they submit in writing to the recording secretary their irrevocable resignation from the office or position of which they are 235
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240 the incumbent prior to acceptance of the nomination. While such
 241 resignation shall be submitted in advance of acceptance of nomination
 242 or appointment, the effective date shall be no later than the date that
 243 the newly elected or appointed officer(s) takes office.

244 **SEC. 8(b).** When a temporary vacancy occurs, the local union shall
 245 fill such office or position pro tem by election or appointment by the
 246 local union Executive Board as the local union may decide. The term
 247 of such pro tem officer shall continue until the resumption of office by
 248 the officer who vacated it or until the next regular election, whichever
 249 occurs first.

250 In the event a pro tem officer is elected or appointed while they are
 251 an incumbent of another local union office or position, they shall be
 252 entitled to resume their former office or position if they are displaced
 253 from the pro tem office by the return of the regular incumbent prior to
 254 the next regular election.

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

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

264 SECTION 9 – SALARIES

265 **SEC. 9.** Each local union shall have authority to pay such salaries as it
 266 may determine for services rendered by the local union officers, busi-
 267 ness manager, business representatives, delegates, representatives and
 268 members. Such salaries shall be properly recorded. In no case, however,
 269 shall any local union officer, business manager, business representative,
 270 delegate, representative or member be exempted from their obligation

to pay dues at the established rate in advance, and no officer, business manager, business representative, delegate, representative or member shall receive credit for dues in return for any services rendered.

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

SECTION 10 – PENSIONS 278

SEC. 10(a). There shall be established and maintained by the International Association Pension Funds to be known as SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) for such full-time salaried officials and employees of all local unions, state, provincial, district councils, officers elected by the Transportation Division and Administrative Staff whose wages and salaries are allocated to the Transportation Division, the officers and staff in General Committees and State Legislative Boards within the Transportation Division which choose to participate, and related organizations who are eligible for coverage under the rules and regulations of such Pension Funds.

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

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

SEC. 10(c). Each U.S. local union and council shall pay each month to the SMART Local Unions and Councils Pension Fund (United States) an amount equal to fourteen percent (14%) of the gross monthly compensation of each covered salaried official and eligible employee

302 in the Transportation Division and an amount equal to seventeen per-
303 cent (17%) of the gross monthly compensation of each other covered
304 full-time salaried official and eligible employee, and such additional
305 percentage or amount that is (1) required to satisfy the minimum fund-
306 ing requirements imposed by the Internal Revenue Service and ERISA
307 applicable to the Fund, (2) required under the default schedule(s) pub-
308 lished by the Fund, or (3) otherwise required by federal law, which shall
309 be a standing appropriation and shall not require a vote of the local
310 union or council, or such lower percentage or amount as the trustees
311 of the Fund determine by applying the foregoing criteria. Each Cana-
312 dian local union and council shall pay to the SMART Local Unions and
313 Councils Pension Fund (Canada) up to seventeen percent (17%) of the
314 gross monthly compensation of each covered full-time salaried official
315 as determined by the trustees of the SMART Local Unions and Coun-
316 cils Pension Fund (Canada) or such greater percentage as is required to
317 satisfy the minimum funding requirements imposed by the provi-
318 sions of the Income Tax Act (Canada) and the Pension Benefits Act of
319 Ontario applicable to the Fund (Canada) or which otherwise shall be
320 in compliance with applicable laws and shall be considered a standing
321 appropriation and shall not require a vote of the local union or council.

322 **SEC. 10(d).** To the extent permitted by federal and provincial laws,
323 and notwithstanding any other provisions of this Section to the
324 contrary, each Canadian local union and council shall pay to the Inter-
325 national Association an assessment in an amount to be determined
326 by the General Executive Council, to be retained as SMART general
327 revenue to pay benefits under the SMART Local Unions and Coun-
328 cils Supplemental Employee Retirement Plan (Canada), established
329 and maintained by the International Association, which is based on
330 a percentage of the gross monthly compensation paid to all full-time
331 salaried officials who participate in the SMART Local Unions and
332 Councils Pension Fund (Canada) provided that the combined contribu-
333 tions to the SMART Local Unions and Councils Pension Fund (Canada)

authorized in Section 10(c) and the assessment herein authorized 334
 shall not exceed seventeen percent (17%) or such greater percentage 335
 as may be required under Section 10(c) in the aggregate. The SMART 336
 Local Unions and Councils Supplemental Employee Retirement Plan 337
 (Canada) shall be structured as an unfunded supplemental employee 338
 retirement plan that provides retirement benefits in excess of benefits 339
 paid or payable from the SMART Local Unions and Councils Pension 340
 Fund (Canada) for credited service prior to June 30, 2011. The assess- 341
 ment in question shall be a standing appropriation and shall not 342
 require a vote of the local union or council. 343

SECTION 11 – REMOVAL 344

SEC. 11(a). Automatic Removal. If any local union officer, business 345
 manager, or business representative shall fail to attend three (3) con- 346
 secutive local union meetings without reasonable excuse, their office 347
 shall become vacant automatically and should any member of a local 348
 union Executive Board fail to attend three (3) consecutive meetings 349
 of the Executive Board without reasonable excuse, their office shall 350
 become vacant automatically. 351

SEC. 11(b). Removal for Cause. Local union officers, business man- 352
 ager or business representatives may be suspended or removed from 353
 office, for cause, in the manner and on the grounds specified in this 354
 Constitution, except that it shall be mandatory to remove from office 355
 any officer, business manager, or business representative who pleads 356
 guilty to, or is, after trial, found guilty of charges of falsifying office 357
 receipts, any act of fraud, embezzlement, misappropriation or decep- 358
 tion in receiving, recording, applying, handling or accounting of any 359
 monies, property or other things of value belonging to this Association 360
 or any local union or council thereof, or of refusal, failure or neglect 361
 to deliver at specified periods or on demand in accordance with this 362
 Constitution, a full and accurate accounting, with payment in full, and 363

364 delivery of all monies, property and things of value, together with all
365 books and records for examination and audit.

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

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

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SECTION 12 – TRAINING

379 **SEC. 12.** All full-time officers and agents are required to take the
380 courses offered, or recognized by the Association: during the first term
381 in office they shall take two (2) classes designated by the International,
382 one (1) during their first year, and two (2) classes of their choosing in
383 their second term. Financial secretary-treasurers shall be required to
384 take the financial secretary-treasurer class training in the first year
385 after taking office. Credit shall be given for courses taken prior to elec-
386 tion if offered or recognized by the International.

ARTICLE THIRTEEN (13)

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

SECTION 1 – DUTIES OF LOCAL UNION PRESIDENT

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

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SECTION 2 – DUTIES OF LOCAL UNION VICE PRESIDENT

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SEC. 2. The vice president shall assist the president in the performance of their official duties; perform the duties of the president when the president is absent from meetings and perform such other official duties as may be assigned to them by the local union, consistent with the provisions of this Constitution and the policies of this Association.

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SECTION 3 – DUTIES OF RECORDING SECRETARY

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SEC. 3. The recording secretary shall keep correct minutes of each meeting and read the same at the opening of the next meeting; read all official communications, documents, bills and expenses received by the local union except those coming within the jurisdiction of the financial secretary-treasurer; act as secretary of the local union

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26 Executive Board; keep a correct record of the names and addresses
 27 of all good standing members; issue all notices for meetings; keep a
 28 record of all registered apprentices and applications for membership;
 29 have charge of the official seal and affix same to all official correspon-
 30 dence and documents; review all bills and other obligations approved
 31 by the local union; notify the General Secretary-Treasurer of any
 32 change in any officers, business manager or business representatives
 33 of the local union and any changes in the addresses thereof; furnish
 34 the General Secretary-Treasurer with information about trials of, and
 35 discipline imposed against, members for misconduct; in the absence of
 36 both the local president and local vice president, call meetings to order
 37 and direct the local union to select a presiding officer pro tem; and per-
 38 form such other duties as may be assigned to them by the local union
 39 consistent with this Constitution and the policies of this Association.

40 SECTION 4 – DUTIES OF 41 FINANCIAL SECRETARY-TREASURER

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

- 43 a. Receive and record on official receipts all monies paid to
 44 the local union. Keep a correct record in the membership
 45 dues ledger of the account, obligations and payments of
 46 each applicant for membership and member; issue official
 47 receipts in either electronic format approved by the General
 48 Secretary-Treasurer, or in printed triplicate form. In each
 49 instance when payments are made to them by applicants or
 50 members and no other form of a receipt shall be issued.
- 51 b. Deposit all monies received by them in the name of the local
 52 union in a bank selected and approved by the local union.
- 53 c. Assume full responsibility and liability to the local union and
 54 this Association for the money received and recorded. Except

obligations due this Association, make no disbursement from	55
local union funds without the consent of the president, without	56
approval or ratification by the local union, and without signing	57
a check along with the signature of the president or another	58
officer duly authorized by the local union except a trustee,	59
or by electronic disbursement provided there is a process	60
consistent with the requirement of two signatures and the	61
proper segregation of duties between them and the president	62
or any other duly authorized officer. Separate from all monies	63
received the per capita dues due the International Association	64
to ensure that said money is sent directly to the General	65
Office and is not used or disbursed for any purpose other	66
than the payment of same to the International Association.	67
d. Close the official receipt book on the last day of each month	68
and immediately record all members who are more than two (2)	69
months in arrears as suspended. Notice shall not be necessary.	70
e. Forward to the General Secretary-Treasurer in either electronic	71
format approved by the General Secretary-Treasurer, or when	72
in print form the white duplicates of all receipts issued by them	73
or by any other authorized officer or representative of the local	74
union, including those issued on the last day of the month,	75
together with their monthly or quarterly report and money	76
order, bank draft, check, direct deposit, electronic transfer or	77
automated clearinghouse (ACH) network for the per capita dues	78
and fees due this Association in time to reach the General Office	79
not later than the tenth (10th) day of the following month.	80
The quarterly report shall include a statement showing all	81
of the net assets of the local union including but not limited to	82
the general fund, organizing fund, wage equalization or other	83
such purposed funds, building fund and all other separated	84
funds, the value of all properties real and personal of the local	85

86 union and the reconciliation of outstanding obligations of the
87 previous quarterly report. Whenever in the judgment of the
88 General Secretary-Treasurer it is deemed impractical to require
89 a local union to report on a monthly basis, they may upon the
90 request of the local union extend such time to a quarterly basis.
91 The financial secretary-treasurer of local unions reporting on
92 a quarterly basis shall submit estimated per capita dues on a
93 monthly basis and send their quarterly report and per capita
94 dues or fees due this Association to the General Secretary-Trea-
95 surer not later than the tenth (10th) day following the end of
96 the quarter reported.

97 If, notwithstanding the provisions of this Section, the local
98 union per capita dues is not timely remitted to the General
99 Secretary-Treasurer, whenever the account is thirty (30) or more
100 days late, the local union shall be charged interest pursuant to
101 Article Five (5), Section 1(a) which the financial secretary-trea-
102 surer shall remit in addition to the per capita dues. The
103 provisions of this Article are modified for railroad local unions
104 as set forth in Article Twenty-One A (21A), Section 6.

- 105 f. Include in the monthly report to the General Secretary-
106 Treasurer a record of all initiations, reinitiations, suspensions,
107 reinstatements, transfer cards issued and accepted, withdrawal
108 cards issued and accepted, members expelled and deceased
109 and all legal obligations due from suspended and expelled
110 members to and including date of suspension or expulsion.
- 111 g. Receive and conduct all correspondence between their
112 local union and the General Office and with other
113 local unions or councils pertaining to the records of
114 standing and financial obligations of members.

- h. Keep a correct record of the name, membership number and address of each member and conduct all correspondence with members pertaining to their record and standing and financial obligations. 115
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- i. On March 31, June 30, September 30 and December 31 of each year, or at any time they are called upon to do so by the trustees of the local union, submit to the trustees for inspection and audit a complete report of all monies received and disbursed by them, together with all of their books and records, including a listing of total assets and properties of the local union. 119
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- j. Notify the General Secretary-Treasurer in case the trustees fail or neglect to conduct an inspection and audit after reasonable notice. 125
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- k. Notify the General Secretary-Treasurer of all fines against members and institute lawsuits pursuant to Article Seventeen (17), Section 3, when necessary to collect fines. 128
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- l. Perform such other duties as may be assigned to them by the local union which are consistent with the provisions of this Constitution and policies of this Association. 131
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4(B). Official Receipts. Each and every official receipt issued in either electronic form or if printed in triplicate form shall clearly record the name of the applicant or the name and membership number of the member, the local union number, the actual date of payment and the actual amount of money paid by applicant or member, properly checked and applied in spaces provided therein, and the amount recorded paid on official receipts either in electronic or in triplicate form shall in no case be less than the actual amount due for obligations checked and recorded thereon. Each official electronic or printed triplicate receipt issued shall bear the signature or the authorized printed or facsimile signature in the case of computer issued receipts 134
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145 of the financial secretary-treasurer or other duly authorized officer of
146 the local union issuing same.

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

150 Electronic or printed white duplicate and yellow triplicate (copies) of
151 official receipts must be issued at the same time that original official
152 receipts are issued and must in each instance be exact copies of the
153 original official receipt issued.

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

159 An electronic copy or if printed the white duplicate (copies) of all
160 spoiled and void receipts must be forwarded to the General Secretary-
161 Treasurer with each monthly remittance.

162 Whenever officers or representatives other than the financial sec-
163 retary-treasurer are duly authorized by local unions to collect dues,
164 fees and other obligations from applicants or members, said officers
165 or representatives shall acknowledge and record all payments made
166 to them by applicants or members on official receipts in an electronic
167 or triplicate form, and no other form of receipt shall be issued or rec-
168 ognized, and they shall turn over to the financial secretary-treasurer
169 of the local union at each regular meeting all electronic or printed
170 white duplicate (copies) of official receipts issued by them between
171 meetings with the total amount of monies collected and recorded on
172 electronic or printed white duplicate (copies) of official receipts so
173 that the financial secretary-treasurer shall enter proper credit to the
174 account of those involved.

175 Electronic or printed white duplicate official receipts filed at the
176 General Office by local unions that are not actual copies of original

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

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

SECTION 5 – DUTIES OF TRUSTEES

SEC. 5. The trustees shall have supervision over all funds and property of the local union, subject to the provisions of this Constitution and any instructions from the local union not inconsistent therewith. They shall require the financial secretary-treasurer to deposit all monies, securities, and certificates of value in the name of the local union in such bank as the local union may designate; shall arrange with the proper officers of said bank that no funds, securities or certificates of value shall be drawn from the account of the local union except on check or draft signed by the financial secretary-treasurer and one or more other officers duly authorized by the local union or by electronic disbursement in compliance with Article Ten (10), Section 14; examine the financial statements and all books and records of the financial secretary-treasurer at the end of each quarter ending March 31, June 30, September 30 and December 31, and conduct a proper audit of such accounts; submit a certified report of this examination and

208 audit to the local union and a duplicate original thereof to the General
 209 Secretary-Treasurer; have authority to demand and examine all books
 210 and records of the financial secretary-treasurer for the purpose of an
 211 audit at any time and notify the General Secretary-Treasurer of any
 212 refusal or failure of the financial secretary-treasurer to surrender
 213 their books and records for examination and audit either at the end
 214 of each quarter or upon demand of the trustees. They shall require an
 215 independent audit by a certified public accountant on an annual basis
 216 in accordance with the requirements of Article Ten (10), Section 11(a), of
 217 this Constitution.

218 SECTION 6 – DUTIES OF CONDUCTOR

219 **SEC. 6.** It shall be the duty of the conductor to examine official
 220 receipts of all members attending meetings and report to the president
 221 or presiding officer at the opening of the meeting the name of anyone
 222 who is not in good standing or is ineligible to participate in the meet-
 223 ing; obtain the names of all applicants awaiting initiation and report
 224 the same to the presiding officer; conduct qualified applicants through
 225 the initiation ceremony and perform such other duties as may be
 226 assigned to them by the local union consistent with the provisions of
 227 this Constitution.

228 SECTION 7 – DUTIES OF WARDEN

229 **SEC. 7.** The warden shall take charge of the door at each meeting
 230 and see to it that none but members in good standing and entitled to
 231 participate in the meeting are admitted. A member who applies for
 232 admission without their official receipt shall be announced by name
 233 and membership number, and, if the records of the financial secre-
 234 tary-treasurer show them to be in good standing and they are properly
 235 identified, they shall be admitted. The warden shall allow no members
 236 to retire without permission of the president or presiding officer, and

shall perform such other duties as may be assigned to them by the local union consistent with the provisions of this Constitution.

SECTION 8 – DUTIES OF BUSINESS MANAGER AND BUSINESS REPRESENTATIVES

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

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

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

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

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

283 **SECTION 9 – CONVENTION DELEGATES**

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

ARTICLE FOURTEEN (14)

Local Union Executive Board

SECTION 1 – MEMBERSHIP

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SEC. 1. The local union Executive Board shall consist of the president, vice president, recording secretary and such additional members as may be decided by the local union, who shall be nominated and elected in accordance with the provisions of Article Twelve (12) of this Constitution. The president shall act as chair and the recording secretary shall act as secretary of such board. The business manager shall attend and participate in the Executive Board meetings but shall not be a voting member.

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SECTION 2 – MEETINGS

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

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SECTION 3 – DUTIES

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SEC. 3. The local union Executive Board shall require the members, officers and representatives of the local union to comply with the provisions of this Constitution; shall cooperate at all times with other officers in the performance and execution of their duties and obligations; shall assist and advise the business manager or business representatives in matters requiring immediate attention between meetings; and shall perform such other duties as the local union may direct which are consistent with the provisions of this Constitution.

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

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ARTICLE FIFTEEN (15)

Stewards

SECTION 1 – APPOINTMENT

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

SECTION 2 – DUTIES

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

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

ARTICLE SIXTEEN (16)

Membership

SECTION 1 – QUALIFICATIONS

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SEC. 1(a). Each applicant for membership must be of good moral character and must be a worker in industries covered by this International Association and agree to be bound by the provisions of this Constitution and any amendments thereto and by the policies and regulations established by this International Association. An applicant shall not be refused membership because of race, color, religion, age, creed, national origin, sex, gender, sexual orientation, gender identity or expression, marital/parental/family status, veteran status, disability or other legally-protected class.

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

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SEC. 1(c). Owners or Partners in Business. Except as otherwise provided in Section 1(d) hereof no owner, partner, agent, contractor, subcontractor, jobber, or any other person who is directly or indirectly financially interested in or who is an officer of or otherwise involved in the management of a sheet metal shop, business or job shall be eligible to make application for membership or be accepted as a member of this Association or of any local union or council thereof and any such person's membership shall be discontinued upon knowledge of such status. No person compensated on a lump sum, piece work or other basis, that is not in accordance with the wage scales and working conditions established by this Association and the local unions and

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30 councils affiliated therewith, except when the person is subject to a
31 union organizing campaign, shall be eligible to make application for
32 membership or be accepted as a member of this Association or of any
33 local union or council thereof and any such person's membership shall
34 be discontinued upon knowledge of such status. Financial interests
35 within the meaning of this Section shall not include ownership of
36 stocks and securities listed on the New York, American, or NASDAQ
37 stock exchanges, or stock ownership in a signatory employer pursuant
38 to an Employee Stock Ownership Plan (ESOP) negotiated with the
39 members' local union.

40 **SEC. 1(d). Owner-Members.** An owner, employer, contractor, jobber,
41 or anyone who otherwise participates as management in the sheet
42 metal industry shall be eligible to retain or apply for membership in
43 this International Association or any local union thereof as an own-
44 er-member with only the rights and duties provided below:

- 45 1. The sheet metal shop or business with which they are
46 connected is in signed agreement with the local union or
47 local unions having jurisdiction over the shop(s). The shop
48 or business must employ at least one journeyman sheet
49 metal worker who is a member of this Association, except
50 the journeyman member may be the owner-member
51 if they are paying full dues as a journeyman in the
52 local union in which they hold owner-member status.
- 53 2. An owner-member shall not be entitled to attend any meetings
54 or be permitted to vote for election of local union officers or
55 on any question pertaining to wages, hours, benefits, or other
56 terms or conditions of employment or on the acceptance or
57 rejection of a collective bargaining agreement, and further,
58 shall not be permitted to serve in a representative capacity
59 or hold any office or position in the local union. An owner-
60 member who returns to any classification represented by

- this Association shall not be permitted to run for local union office in any local union affiliated with SMART for a period of one (1) year. Such period starts from the date that their classification is changed on an official dues receipt issued by the financial secretary-treasurer of the local union.
3. An owner-member may not be employed by another employer in the sheet metal industry during such time as the shop or business in which they hold an interest is actively performing work. The owner-member shall inform the local union with which the owner-member's business is signatory that the business is no longer actively performing work before the owner-member accepts employment with another employer. The owner-member shall upon return to work in the shop or business in which they hold an interest immediately notify the local union.
4. Any owner-member who fails to fulfill their financial obligations by making proper payment to their employees for work performed or to contribute the contractual obligations to fringe benefit funds shall be subject to charges and penalties as prescribed in Article Seventeen (17) of this Constitution.
5. Any owner-member working with the tools of the trade shall pay to all fringe benefit programs for the actual hours worked in accordance with the respective collective bargaining agreement, unless that collective bargaining agreement provides for a different requirement.
6. Nothing herein shall be construed to confer eligibility for benefits to an owner-member from any particular employee or fringe benefit plan, nor supersede any minimum hours or participation requirements of such plans.

90 **SEC. 1(e). Membership in One Local Union.** Except as otherwise provided in this Constitution no member shall be permitted or required
91 to hold membership in more than one (1) affiliated local union at the
92 same time, nor shall any member be required to pay dues or assess-
93 ments into any other affiliated local union or building trades council as
94 a condition of membership or employment, except the local union in
95 which they are properly recorded as a member and the building trades
96 council with which their local union is affiliated.
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98 The member in question shall provide immediate proof of local
99 union membership when they are challenged by any other member
100 of SMART who displays a dues receipt as proof of membership and
101 good standing in their local union. Along with this, a second form of
102 pictured identification may also be required, such as, pictured driver's
103 license or similar form of identification.

104 **SEC. 1(f). Associate Membership.** Each applicant for Associate
105 Membership must be of good moral character and concerned with the
106 issues affecting members and this Association.

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

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

113 Associate Members shall pay dues at the rate of Twelve Dollars
114 (\$12.00) per year. The General Executive Council shall establish and
115 change the dues as it deems appropriate. Dues shall be paid directly to
116 the General Secretary-Treasurer, and shall be acknowledged on official
117 receipts. Standing of Associate Members shall be determined by
118 duplicate copies of official receipts properly issued recording payments
119 actually made in the manner specified in this Constitution.

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

SECTION 2 – APPLICATION FOR MEMBERSHIP 123

SEC. 2. Form of Application. Each qualified applicant for membership shall fill out the standard form of application or approved electronic digital version prepared by this Association, which shall be accompanied by a deposit of not less than forty-five (45%) of the amount charged in Article 10, Section 2(b) of this Constitution, toward the payment of initiation fee and be filed with the financial secretary-treasurer, who shall accept the application and notify the applicant.

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

SECTION 3 – INITIATION AND REINITIATION 139

SEC. 3(a). Every applicant shall be initiated upon receipt by the local union of the deposit toward the initiation fee charged and one month's dues which payment must be paid within eight (8) days after the beginning of their employment or as soon as the local union is permitted by law to require payment. They shall be notified to appear at a meeting of the local union to take the obligation of membership, or complete the standard official form of application and acknowledge that (1) a copy of the Constitution and Ritual of this Association has been made available and shall be responsible to examine same; (2) agrees to be governed by the principles and policies of this Association and this

150 Constitution thereof as they then exist or as they may be changed or
151 amended thereafter; and (3) will further abide by the valid by-laws,
152 rules, and decisions of the local union. An applicant for initiation or
153 reinitiation shall be recognized as a member by this Association unless
154 the application is subsequently disapproved by the General Secretary-
155 Treasurer or unless all initiation fees and per capita dues required by
156 this Constitution, are not timely paid by them.

157 **SEC. 3(b).** The amount of credit for initiation or reinitiation fee cer-
158 tified on the original copy of the standard official form of application
159 and obligation must in each instance be verified by either electronic
160 format or white duplicate copies of official receipts filed at the General
161 Office by the local union, recording actual payments made for initia-
162 tion or reinitiation fee and dues beginning with the month in which
163 initiation or reinitiation is properly recorded.

164 **SEC. 3(c).** No applicant for membership is entitled to credit for a
165 greater amount of initiation or reinitiation fee than they have actually
166 paid and is recorded on either electronic format or white duplicate
167 copies of official receipts filed at the General Office, and no local union
168 or officer thereof shall certify to or allow credit to any applicant or
169 member for a greater amount of initiation or reinitiation fee than they
170 have actually paid.

171 **SEC. 3(d).** Any qualified applicant who has filed application for
172 membership in a local union and who has actually paid the established
173 initiation or reinitiation fee of the local union in which application
174 for membership has been filed, and who then leaves the jurisdiction
175 of said local union, shall, provided they comply with all other require-
176 ments of this Constitution, be accepted and obligated as a member
177 of the local union with which they have filed application, with credit
178 for the initiation fee after which they shall, subject to the provisions
179 of Section 9 of Article Sixteen (16), be entitled to a transfer card with
180 credit only for the amount of the initiation fee actually paid. In the
181 event such member fails to deposit the transfer card provided for in

this paragraph, their initiation shall be void and they shall be restored 182
 to their status as an applicant for membership with credit on initiation 183
 fee of the amount actually paid. 184

SECTION 4 – FORFEITURE OF INITIATION FEE 185

SEC. 4. In the event an applicant is initiated for membership, except 186
 one serving an apprenticeship, but fails to pay their full initiation fee 187
 within six (6) months from the date of their application for member- 188
 ship, they shall be automatically suspended from membership and 189
 forfeit all monies paid by them toward initiation fee, unless the time is 190
 extended by action of the local union. 191

SECTION 5 – UNAUTHORIZED FEES 192

SEC. 5. No applicant for membership shall be permitted or required 193
 to pay any permit fees under any circumstances or to pay any 194
 assessments until they have complied with all requirements of this 195
 Constitution governing initiation, reinitiation or reinstatement and 196
 has been duly obligated and properly recorded as a member. 197

SECTION 6 – WITHDRAWAL CARDS 198

SEC. 6(a). General. Except as otherwise provided in this Section, 199
 any member in good standing who leaves covered employment and 200
 accepts employment in other industries or in other trades shall, 201
 subject to the provisions of this Constitution, immediately make 202
 application for and be issued a withdrawal card. No member in good 203
 standing against whom charges are pending or not disposed of shall 204
 be entitled to a withdrawal card. The General Secretary-Treasurer shall 205
 invalidate a withdrawal card upon receiving notice that a member on 206
 withdrawal card is performing work covered by the claimed jurisdic- 207
 tion of this Association. 208

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

218 **SEC. 6(c). Owners or Partners in Business.** Good standing members
219 who become owners, partners, agents, contractors, or subcontractors
220 or who become directly or indirectly financially interested or involved
221 in the management of a sheet metal shop or business as officers or
222 otherwise shall be eligible to receive and retain withdrawal cards only
223 if, (1) such sheet metal shop or business in which they are interested
224 continues to operate under a Union Agreement with the local union
225 in whose jurisdiction such business is conducted, (2) not more than
226 one (1) person connected or associated with the management of the
227 sheet metal shop or business in which they are interested, whether
228 such persons hold withdrawal cards or not, works with the tools of the
229 trade and then in the shop only, and (3) at least one (1) member of this
230 Association is employed on all work covered by Article One (1), Section
231 5 of this Constitution. A member who acquires stock ownership with a
232 signatory employer pursuant to an ESOP negotiated with the mem-
233 bers' local union shall be prohibited from receiving a withdrawal card.

234 **SEC. 6(d). Rights and Privileges.** Members on withdrawal card,
235 subject to the provisions of Section 1(d)(2) of this Article and excluding
236 railroad supervisors, shall have the right to attend meetings but shall
237 not be eligible to actively participate in any meeting of a local union or
238 council of this Association, nor shall any such member be eligible for
239 nomination, election or appointment, or be permitted to serve, as offi-
240 cer, representative, delegate, business manager, business representative

or committeeman unless they return to active service and is available 241
 for work or has worked at the trade for not less than two (2) years 242
 immediately prior to the date of nomination or appointment. 243

SEC. 6(e). Reinstatement. A member on withdrawal card who is 244
 eligible for membership, who desires to return to covered employment 245
 and becomes reinstated to membership, shall have the right to deposit 246
 their withdrawal card with the local union which issued the same and 247
 apply for reinstatement. Such deposit of withdrawal card for purposes 248
 of reinstatement and request for transfer card, if any, may be made by 249
 mail or by other method of delivery. 250

Each applicant for reinstatement on withdrawal card is entitled to 251
 credit for the actual amount of initiation or reinitiation fee paid prior 252
 to the issuance of their withdrawal card, and shall be required to pay 253
 the difference between the amount of last initiation or reinitiation fee 254
 actually paid and the established initiation fee of the local union at the 255
 time that the withdrawal card is presented for reinstatement, except 256
 that a member who deposits their withdrawal card solely for the pur- 257
 pose of obtaining a transfer card shall pay the difference of initiation 258
 fee, if any, to the local union in which they deposit their transfer card 259
 and not to the local union that issued the withdrawal card. 260

Except as otherwise provided in Section 13 of Article Twenty-Two 261
 (22), the International reinstatement fee shall be Fifty Dollars (\$50.00) 262
 plus forty-five percent (45%) of any fee collected by the local union for 263
 difference in initiation fee for reinstatement on withdrawal card. The 264
 General Secretary-Treasurer may reduce or waive the reinstatement 265
 fee upon request from the local union. At least thirty-five percent 266
 (35%) of the fees collected pursuant to this Section shall be paid to the 267
 General Fund and five percent (5%) shall be apportioned on a basis 268
 determined by the General Executive Council between the SMART 269
 Local Unions and Councils Pension Fund (United States) and the 270
 SMART Local Unions and Councils Pension Fund (Canada) and/or the 271
 Canadian Dues Defense Fund, and up to five percent (5%) shall be paid 272

273 to the Sheet Metal Workers' International Staff Pension Fund. The
 274 applicant shall also pay dues in advance and other obligations begin-
 275 ning with the month in which reinstatement is properly recorded but
 276 shall not be assessed any local union reinstatement fee.

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

282 **SEC. 6(g). Penalties.** A member on withdrawal card will be sub-
 283 ject to the provisions of Article Seventeen (17) of this Constitution. A
 284 member on withdrawal card who, as an employer, fails or is the person
 285 responsible for the failure of an employer to fulfill their financial obli-
 286 gations to the fringe benefit funds or to their employees shall forfeit
 287 their withdrawal card and the same shall be canceled. Notice of any
 288 cancellation of withdrawal card shall be sent to the individual involved
 289 and to the General Secretary-Treasurer.

290 SECTION 7 – LIMITED MEMBERSHIP

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

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

they shall be granted Limited Membership subject to the conditions prescribed in this Section. 304
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SEC. 7(c). Rights and Privileges. Limited Members may attend meetings, but Limited Members shall not be eligible to actively participate in any meeting of a local union or council of this Association, nor shall they be eligible to nomination, election or appointment or be permitted to serve as officers, representatives, delegates, business manager, business representatives or committeemen. 306
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SEC. 7(d). Dues. Limited Members shall pay dues at the rate of Forty-Eight Dollars (\$48.00) per year, said dues to be paid quarterly in advance on or before the first (1st) day of January, April, July and October of each year. Said Limited Membership dues shall be paid directly to the financial secretary-treasurer of the local union with which the member is affiliated or to the General Secretary-Treasurer, and shall be acknowledged and recorded on official receipts. Standing of Limited Members shall be determined by either electronic format or duplicate (copies) of official receipts properly issued recording payments actually made in the manner specified in this Constitution. 312
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SEC. 7(e). Forfeiture. When a Limited Member becomes two (2) consecutive months delinquent in the payment of Limited Membership dues, they shall be recorded suspended by the local financial secretary-treasurer or by the General Secretary-Treasurer without notice and shall thereby forfeit their privilege of Limited Membership. The privilege of Limited Membership thus forfeited shall not thereafter be reinstated or restored. 322
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SECTION 8 – MEMBERS ENTERING THE ARMED FORCES 329

SEC. 8(a). Members whose dues, per capita dues and other obligations due the local union and this Association are paid to and for the month in which they enter the armed forces of the United States or Canada may, notwithstanding any provisions of this Constitution to the contrary, either make application for a special withdrawal card or 330
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335 for Special Limited Membership in accordance with and subject to the
336 condition hereafter provided. Members on a regular withdrawal card
337 are not eligible to make application for a special withdrawal card or for
338 Special Limited Membership.

339 **SEC. 8(b).** Special Limited Memberships provided for in this Article
340 may be issued to members entering the armed forces upon the fur-
341 nishing to the General Secretary-Treasurer of the actual date of entry
342 into active service accompanied by Special Limited Membership dues
343 of One Dollar and Twenty-Five Cents (\$1.25) per month, paid for one
344 quarter in advance. Thereafter Special Limited Membership dues shall
345 be paid at the rate of One Dollar and Twenty-Five Cents (\$1.25) per
346 month, quarterly in advance to and including the date of payment of
347 membership dues at the regular established rate of the local union,
348 which payment shall be made not later than ninety (90) days imme-
349 diately following the month in which they are released from active
350 service. Photostatic copy of Honorable Discharge or other official evi-
351 dence of release from the active service shall be furnished the General
352 Secretary-Treasurer.

353 Any member of the National Guard or Reserves, activated by the
354 Armed Forces, shall immediately be issued Special Limited Member-
355 ship after their regular dues are paid to and for the month in which
356 they were activated. The dues of One Dollar and Twenty-Five Cents
357 (\$1.25) per month, paid quarterly in advance, shall be paid by the local
358 union, not by the member.

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

365 Any local union is authorized to pay the Special Limited Member-
366 ship dues provided for in this Article at the rate of One Dollar and

Twenty-Five Cents (\$1.25) per month either out of its general fund or relief fund. 367
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Special Limited Membership dues shall be paid quarterly in advance to the financial secretary-treasurer of the local union with which the member is affiliated. The provisions of this Section shall not apply to members who voluntarily re-enlist in the armed forces. 369
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SEC. 8(c). Special withdrawal cards issued to members entering the armed forces shall be effective as of the date of actual entry into active service and shall continue in effect until three (3) months after the actual date of discharge. If, within said three (3) month period, the holder of such special withdrawal card shall have filed application for reinstatement in the local union issuing such special withdrawal card accompanied by dues at the regular rate of such local union beginning with the date of application for reinstatement and a photostatic copy of Honorable Discharge or other official evidence of release from active service which shall be forwarded to the General Secretary-Treasurer, they shall be reinstated to membership without payment of reinstatement fee or the difference between initiation fee paid and initiation fee at the time of such reinstatement. 373
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The holder of such special withdrawal card shall be entitled to none of the rights, privileges and benefits of membership; but on reinstatement to membership in accordance with the provisions of this Section, their record of continuous good standing previously established to and including the month of actual entry into service shall be restored, but without credit for the period during which said special withdrawal card was effective. 386
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SECTION 9 – TRANSFER CARDS 393

SEC. 9(a). Any good standing member of an affiliated local union who desires to travel or accept employment in the jurisdiction of another local union, in the event such employment involves a transfer of 394
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397 permanent address, shall apply to the financial secretary-treasurer of
398 their local union for an official transfer card.

399 **SEC. 9(b).** No member against whom any charges are pending or who
400 has been notified to appear for any hearing or trial as defendant or com-
401 plainant, in connection with charges already filed in accordance with
402 this Constitution, shall be entitled to a transfer card until the hearing or
403 trial is concluded and all duties and all obligations, financial and other-
404 wise, in connection with said charges or trial have been fully discharged.

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

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

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

425 **SEC. 9(f).** When a member enters the jurisdiction of another local
426 union they shall immediately report to the financial secretary-treasurer,
427 business manager, business representative, president, or recording
428 secretary and present their official dues receipt and transfer card, for

deposit, before seeking or accepting employment in the jurisdiction of such other local union. 429
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SEC. 9(g). When depositing a transfer card, the member shall record thereon their local address and shall keep the local union informed of any change in the local address. 431
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SEC. 9(h). Except as otherwise provided in Section 9(s) of this Article, if for any reason an official transfer card issued to any good standing member is not deposited with or accepted by another local union within thirty (30) days from date of issue, said transfer card expires by limitation and becomes void; and should the member still desire to travel to seek or accept employment in the jurisdiction of another local union, they shall apply to the financial secretary-treasurer of the local union that issued the expired and void transfer card and of which they are still a member for a new transfer card which, like the previous one, shall be issued only on payment of all obligations, including dues in advance to and including the month in which the new transfer card expires by limitation. 434
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SEC. 9(i). Until such time as a traveling member deposits their transfer card with and it is accepted by another local union, they shall pay dues and all other obligations directly to the local union which issued the same and of which they are still a member, and they shall not pay dues in any other local union until their transfer card is properly deposited and accepted therein. Should they fail to pay dues and all other obligations directly to the local union of which they are still a member, pending proper deposit and acceptance of their transfer card in another local union, or should they fail to pay dues to another local union, after their transfer card has been properly deposited and accepted therein, they shall be recorded suspended without notice, in accordance with this Constitution, when two (2) months in arrears. 446
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SEC. 9(j). Except as provided in Section 9(k) of this Article, any member who accepts employment in the jurisdiction of another local union after the deposit and acceptance of their transfer card shall pay to said 458
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461 local union the difference, if any, between the amount of initiation fee
462 actually paid prior to their transfer as recorded in the General Office
463 and the established initiation fee of the local union in which their
464 transfer card was deposited and accepted, provided that no local union
465 shall be required to admit any member on transfer card who has less
466 than five (5) years of continuous good standing with this Association,
467 other than a member who has completed a qualifying apprentice
468 training program, unless after appearance before the local union
469 examining board, such member demonstrates that they are capable
470 of performing the work coming within the jurisdiction of such local
471 union, in accordance with the standards of workmanship established
472 by such local union.

473 **SEC. 9(k).** Any member who has established a record of continuous
474 good standing of five (5) years or more, or a member who has com-
475 pleted a qualifying apprentice training program, to and including the
476 date of issuance of transfer card shall be admitted by transfer card into
477 any local union of this Association in accordance with the require-
478 ments of this Constitution, and without payment of any difference in
479 initiation fee.

480 **SEC. 9(l).** Any member who desires to leave the jurisdiction of a
481 local union with which their transfer card is properly deposited and
482 accepted before the difference between the actual amount of initiation
483 fee paid by the member prior to their transfer and the established ini-
484 tiation fee of the local union is paid in full shall be granted a transfer
485 card with credit for the actual amount of initiation fee paid prior to
486 transfer, plus any difference paid subsequent to transfer, provided
487 they shall pay all dues and obligations including dues in advance to
488 and for the month in which transfer card expires, plus One Dollar
489 (\$1.00) transfer fee.

490 **SEC. 9(m).** Each transfer card shall have attached thereto a form
491 which shall be detached by the financial secretary-treasurer of the
492 local union with which the transfer card is deposited. Said form shall

be filled out over the signature of the financial secretary-treasurer and the seal of the local union and forwarded to the General Secretary-Treasurer, and when all requirements of this Constitution have been complied with, the transfer card shall be cleared and recorded at the General Office.

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

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

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

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

SEC. 9(r). Any member who accepts employment in the jurisdiction of another local union and fails to comply with the provisions of this

525 Article relating to the obtaining and deposit of transfer cards shall be
526 subject to charges and trial and, except as provided in Section 9(q) of
527 this Article, shall be tried in the local union in whose jurisdiction the
528 offense was committed. Any penalty properly imposed by such local
529 union shall be recognized and complied with by any such member
530 found guilty of such charges, subject to appeal as provided in Article
531 Nineteen (19) of this Constitution.

532 **SEC. 9(s).** Notwithstanding any other provisions of this Article, a
533 good standing member shall obtain a transfer card in order to work
534 within the jurisdiction of another local union in the event they change
535 their permanent residence to a location within the territorial jurisdic-
536 tion of the local union in which they intend to perform work.

537 **SECTION 10 – PORTABILITY OF LABOR/TRAVELERS**

538 **SEC. 10(a).** Members sent by their employers from the jurisdiction of
539 one local union into the jurisdiction of another local union shall report
540 to the office or to the financial secretary-treasurer, business manager,
541 business representative, president or recording secretary of the local
542 union in whose jurisdiction they are located. Such report shall be
543 made before starting to work and may be made in person, by tele-
544 phone, by facsimile, by regular mail or by email. Said members shall
545 receive from their employers at least the established wage scale of the
546 local union of which they are members and in no case less than the
547 established wage scale of the local union in whose jurisdiction they are
548 employed, plus all necessary expenses while employed in the jurisdic-
549 tion of another local union, and shall otherwise comply with the
550 established working rules and conditions of the local union in whose
551 jurisdiction they are located. Said members shall not be required to
552 transfer their membership to the local union in whose jurisdiction
553 they are temporarily employed.

554 In the event qualified members are available in the jurisdiction of
555 the local union in which the work is to be performed, not more than

two (2) members per job shall, at the request of the employer, leave the jurisdiction of the local union where the shop of the employer is located and enter the jurisdiction of the local union in which the work is to be performed for the purpose of performing such work.

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

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

SEC. 10(d). Members accepting employment outside of the jurisdiction of the local union of which they are members, without having been issued a transfer card, shall report immediately to the financial secretary-treasurer, business manager, business representative,

588 president or recording secretary of the local union in whose juris-
589 diction they intend to perform work and present their official dues
590 receipts before accepting employment. That local union in turn shall
591 notify any employee benefit funds to which contributions are required
592 to be made under the local union's collective bargaining agreement, so
593 that any such fund who is party to the International Association of
594 Sheet Metal, Air, Rail and Transportation Workers (formerly the Sheet
595 Metal Workers' International Association) Master Reciprocal Agree-
596 ment will know that any contributions made on behalf of the traveling
597 member may be intended for, and may need to be forwarded to, the
598 fund(s) of the member's home local union. Each local union shall insert
599 language consistent with this requirement into its collective bar-
600 gaining agreement(s). Such members shall abide by all working rules,
601 regulations, by-laws and collective bargaining agreements in effect in
602 the jurisdiction in which they are working. To help defray the admin-
603 istrative and collective bargaining expenses of the local union, and
604 to promote work opportunities within the local union, travelers shall
605 pay to said local union all working assessments in effect in said local
606 union or the sum of Twenty-Five Dollars (\$25.00) per week, whichever
607 is imposed by the local union.

608 **SECTION 11 – SUSPENSION OF DELINQUENT MEMBERS**

609 **SEC. 11.** Any member who becomes two (2) months in arrears shall be
610 recorded suspended by the local financial secretary-treasurer and by
611 the General Secretary-Treasurer. Under no circumstances shall any
612 extension of time be granted. Notice is not necessary. The suspension
613 may not be reversed or erased by means of payments of dues or issu-
614 ance of official receipts after the expiration of the two (2) month limit
615 for periods before the expiration.

616 A member suspended in accordance with this Section shall forfeit all
617 rights, privileges, and benefits of membership. They shall not be permit-
618 ted to participate in any meetings or in any affairs of this Association or

of any local union or council affiliated therewith during the period of 619
suspension nor shall any local union or this Association accept or record 620
any dues or per capita dues from such member either during or after 621
such suspension to be applied to the period of suspension. 622

SECTION 12 – REINSTATEMENT 623

SEC. 12(a). Reinstatement of Suspended Members. Any member or 624
any apprentice-member who is suspended in accordance with Section 625
11 of this Article, who is otherwise eligible to membership, shall, within 626
two (2) months from the date of such suspension, be reinstated upon 627
the payment of a local reinstatement fee of not less than Fifty Dollars 628
(\$50.00), plus dues in advance beginning with the month of reinstatement, 629
provided such reinstatement fee and dues are actually paid and 630
properly recorded on official receipts within two (2) months from the 631
date of suspension. Such reinstatement shall not restore to such member 632
any membership rights established prior to suspension. 633

Reinstatement of suspended members shall not be recorded at the 634
General Office until either electronic or white duplicate (copies) of 635
official receipts recording and verifying the actual payment of a local 636
reinstatement fee of not less than Fifty Dollars (\$50.00), plus dues in 637
advance beginning with the month in which reinstatement is properly 638
recorded are filed with the General Secretary-Treasurer, accompanied 639
by forty-five percent (45%) of the local reinstatement fee, as 640
described in Section 2(b) of Article Ten (10) and International per capita 641
dues beginning with the month in which reinstatement is properly 642
recorded, and have been accepted and acknowledged by the General 643
Secretary-Treasurer. 644

Any member who is suspended in accordance with Section 11 of 645
this Article, who is otherwise eligible to membership, who does not 646
comply with the requirements of reinstatement within two (2) months 647
from date of suspension forfeits their right to reinstatement and 648
should they desire to again become a member they shall reinitiate in 649

650 accordance with Section 2 of this Article although the standard form
651 of application does not need to be completed again.

652 **SEC. 12(b). Reinstatement of Members Suspended for Cause or**
653 **Expelled.** Any member suspended for cause or expelled after trial and
654 appeal, or opportunity for trial or appeal as provided in Articles Eight-
655 teen (18) and Nineteen (19) may be reinstated to membership only by
656 (1) reinitiating and following the procedure prescribed in Section 2 of
657 this Article, although the standard form of application does not need
658 to be completed again, (2) paying in full all financial obligations due
659 this Association, and any local union or council thereof, at the time of
660 their expulsion or suspension, provided, however, that the payment
661 of such financial obligations due any local union shall be waived if
662 they have not been reported to the General Secretary-Treasurer as
663 provided in Section 4 of Article Thirteen (13), and (3) obtaining the
664 written consent of the local union from which they were suspended
665 or expelled (provided such local union has complied with the provi-
666 sions of Section 4 of Article Thirteen (13) of this Constitution regarding
667 notice to the General Secretary-Treasurer of obligations due from
668 suspended or expelled members), provided, in addition, however, that
669 if such expulsion or suspension was occasioned by any act of fraud,
670 deception, embezzlement, misappropriation, or appropriating to their
671 own use any monies, properties or things of value belonging to this
672 Association or any local union or council thereof, such former member
673 shall be eligible for reinitiation only with the consent of the General
674 President and the local union and council of which they were formerly
675 a member and only on condition that they have complied with all
676 requirements of this Constitution, including the payment in full of
677 all money due and the surrender of all property and things of value
678 belonging to this Association and any local union or council thereof,
679 and upon the further condition that they shall not be eligible for or be
680 permitted thereafter to hold any office or position in this Association
681 or local union or council thereof.

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

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SECTION 13 – MAINTENANCE OF GOOD STANDING

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SEC. 13(a). Responsibility for establishing and maintaining good standing in accordance with this Constitution rests entirely with each individual member. The actual payment of dues, per capita dues, initiation fees, reinitiation fees, reinstatement fees and other obligations by each member, when properly acknowledged and recorded on official receipts in either electronic or in triplicate form, with white duplicate (copies) of official receipts filed at the General Office, for which dues and fees due this Association have been paid in accordance with this Constitution, including the provisions of Article 10, Section 2(f), is the only recognized and acceptable evidence of the standing of any member unless said obligations have been withheld from the employee's wages by their employer pursuant to a valid check-off authorization.

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

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SEC. 13(c). The record of continuous good standing shall be recorded broken without notice in each instance when either electronic or duplicate (copies) of official receipts establish the fact that dues and other obligations, including International per capita dues and fees, were not paid within the two (2) month limit. The record of continuous good standing shall likewise be forfeited in each instance where the

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713 member has been recorded suspended or expelled or has been issued
 714 a withdrawal card, and the record of continuous good standing thus
 715 broken cannot be reinstated or restored.

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

724 **SECTION 14 – RESIGNATION**

725 **SEC. 14.** Any member may resign from membership. Resignations
 726 shall be effective upon receipt of written notification by mail or hand
 727 delivery to any full-time officer or business representative at their local
 728 union. In Canada, no resignation shall be accepted if offered in antici-
 729 pation of charges being preferred against them, during the pendency
 730 of any such charges or during a strike or lockout.

731 The General Secretary-Treasurer shall have the authority to
 732 issue a certificate of honorable resignation to individuals who have
 733 established a record of membership in good standing for a period of
 734 twenty-five (25) years or more in SMART, and whose names have been
 735 submitted by the local union for this certificate.

736 **SECTION 15 – HONORARY MEMBER**

737 **SEC. 15.** From time to time the International may wish to honor
 738 an individual who has a sustained record of supporting the labor
 739 movement and exemplifies dedicated public service by granting them
 740 an honorary membership of this Association. Any local union may
 741 submit a request to the International for an individual to be granted
 742 an honorary membership. Honorary memberships shall be granted by

the General President at conferences, conventions or other significant functions of this Association or functions at which the General President or their designee is attending and participating. An honorary member is welcome to attend Association events as a guest, but the membership itself provides none of the usual rights of union membership and does not require the payment of dues.

ARTICLE SEVENTEEN (17)

Misconduct and Penalties

SECTION 1 – OFFICERS, MEMBERS AND REPRESENTATIVES 1

SEC. 1(a). Except as otherwise provided in this Constitution, after trial and conviction of any of the offenses described in this Article, any officer or member of this Association may be disciplined by imposition of one or more of the following penalties: reprimand, fine, suspension or removal from office, suspension or expulsion from membership, or other appropriate disciplinary measures. 2
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SEC. 1(b). Violation, refusal or failure to perform any duty or obligation imposed by this Constitution, the policies of this Association, the valid decision of any Officer or Officers thereof or the valid decisions of the General Executive Council or Convention or the valid rules and regulations of any local union, council, committee or board. 8
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SEC. 1(c). Engaging in conduct at a meeting of any local union, council, committee or board, or at other locations, that tends to or does interfere with, diminish, or destroy the ability of an officer, business manager, business representative, or member to perform legal, contractual or constitutional obligations on behalf of a local union, council, committee or board or to discharge the duties of the office to which such individual was elected or appointed. 13
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SEC. 1(d). Filing frivolous charges against any officer or member of this Association or of any local union, council, committee or board thereof or failing, refusing or neglecting to appear as prosecuting witness after filing 20
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23 charges, or to present all facts and evidence to support any charges so
24 filed against such officer or officers or member or members.

25 **SEC. 1(e).** Violating the established union collective bargaining
26 agreements and rules and regulations of any local union or committee
27 relating to rates of pay, rules and working conditions.

28 **SEC. 1(f).** Attempting, inaugurating or encouraging secession from
29 this Association or of any local union, council, committee or board
30 thereof or advocating, encouraging or participating in any rival union-
31 ism or division within SMART.

32 **SEC. 1(g).** Accepting employment in any shop or on any job where
33 a strike or lockout, as recognized under this Constitution, exists,
34 or performing any work covered by the claimed jurisdiction of this
35 Association for any employer or becoming an employer that is not
36 signatory to or bound by a collective bargaining agreement with an
37 affiliated local union, council or committee of this International Asso-
38 ciation, unless authorized by the local union.

39 **SEC. 1(h).** Agreeing to perform or performing any work covered
40 by the claimed jurisdiction of this Association on a piecework basis,
41 unless permitted in the relevant collective bargaining agreement
42 approved by this Association, a lump sum basis, or any other basis
43 except that provided and specified by this Constitution and by the
44 established and recognized union agreements, rules and regulations
45 of affiliate local unions, councils or committees governing the employ-
46 ment of members.

47 **SEC. 1(i).** Committing any act of fraud, embezzlement, misappropria-
48 tion, or appropriating to their own use any money, property, or thing of
49 value belonging to this Association or any local union, council, committee
50 or board thereof, or to any fund or committee administered or trusteeed in
51 whole or in part by a local union, committee or board, or refusing, failing
52 or neglecting to deliver at specified periods or on demand, in accordance
53 with this Constitution a full and accurate accounting, all monies, prop-
54 erties, books and records for examination and audit.

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

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

SEC. 1(l). Committing or attempting or threatening to commit any physical assault upon any officer or member of this Association, or of any subordinate unit thereof, while in the performance of their duties.

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

SEC. 1(n). Engaging in any conduct that is harassing, hazing, bullying or discriminating against any person or group of persons, while in the workplace or performing work duties, or at union facilities or functions, or acting as an agent of this Association, because of their race, color, religion, age, creed, national origin, sex, gender including gender identity or expression, sexual orientation, marital/parental/family status, veteran status, disability or other legally-protected class.

**SECTION 2 – LOCAL UNIONS, COUNCILS,
COMMITTEES AND BOARDS**

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

ARTICLE EIGHTEEN (18) Charges and Trials

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

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

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

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

23 **SEC. 1(d).** Upon the request of a charging party, the accused or the
24 subordinate body with which charges are filed, or on their own motion,
25 the General President may, in their discretion, order the accused tried
26 by a trial board appointed by them. A request to the General President
27 must be in writing and addressed to and received by the General Sec-
28 retary-Treasurer, and a copy mailed to opposing parties, within ten (10)
29 days from the date the charges are received by the local union. Trial

boards shall be composed of two (2) or more good standing members, International Representatives or General Officers who are not directly or indirectly involved in the matters which give rise to the charges upon which the accused is to be tried and who are not members of the local union of which the accused is a member or of the local union in whose jurisdiction the offense was alleged to have been committed.

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

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

SECTION 2 – TRIAL IN LOCAL UNIONS

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

SEC. 2(b). The determination whether the trial is to be conducted by the local union's Executive Board or by a trial committee elected by the local union shall be made at the first regular meeting held not less than fifteen (15) days after a copy of the charges has been mailed to the accused, including notice to the accused of the date, time and place of the meeting, by registered, certified or overnight mail as provided in this Article or at a special meeting held after fifteen (15) days' notice to

61 the membership including the accused. No member of a local union
62 shall be eligible to serve on a trial committee, whether it consists
63 of a local union Executive Board or is elected, if they are directly or
64 indirectly involved in the matters which gave rise to the charges upon
65 which the accused is to be tried.

66 **SEC. 2(c).** The accused shall have the right to challenge two (2)
67 members of the original trial committee immediately after the election
68 of the entire committee, provided they are present at the meeting
69 at which the trial committee is elected, and they shall be declared
70 removed by the presiding officer. The local union shall then at the
71 same meeting elect a member or members to fill any vacancies in the
72 trial committee created by the challenges. The election to fill such
73 vacancies shall be held in the same manner as the election of the origi-
74 nal trial committee.

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

85 **SEC. 2(d).** The trial committee shall elect a presiding officer and secre-
86 tary and fix the time and place of trial. The presiding officer shall notify
87 the accused and those who preferred the charges, by registered, certified
88 or overnight mail, of the time and place of trial and such trial shall be
89 promptly held but shall not be held less than fifteen (15) days after the
90 mailing of such notice. Before the hearing is held, the charging party
91 may amend the charges to add newly-discovered facts related to those
92 in the original charges and the provisions of this Constitution alleged to

be violated by such new facts. The amendment shall be submitted to the trial committee with a copy to the charged party as provided in Section 1(c). The trial committee shall decide whether to allow the amendment and shall notify the parties of its decision. If the amendment is allowed, the hearing shall be held not less than fifteen (15) days following the date the trial committee sent its decision.

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

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

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

In the event no stenographic transcript is made, the secretary of the trial committee shall reduce the minutes of the trial to writing and include therein the substance of the testimony and all exhibits

125 submitted at the trial. Unless previously furnished they shall send
126 to each party by registered, certified or overnight mail a copy of the
127 transcript or minutes, as the case may be, and each party within ten
128 (10) days after receiving same shall submit to the secretary of the trial
129 committee, in writing, any objections thereto. The record thus made
130 shall constitute the record of the trial for the purpose of appeal and in
131 the event any party fails to file objections thereto within the time limit
132 prescribed herein, the transcript or minutes furnished by the secretary
133 of the trial committee, for purposes of appeal, shall be deemed to be a
134 correct record of the trial procedure and of the evidence presented.

135 All matters relating to the procedure of the trial, not otherwise spec-
136 ified in this Section, shall be determined by the trial committee and all
137 parties and their respective counsel shall comply with all orders and
138 directions of the trial committee with respect to such matters.

139 **SEC. 2(f).** At the next regular meeting of the local union, following
140 the conclusion of the trial, the trial committee shall submit to the local
141 union in writing its findings of the facts, decision and recommen-
142 dations. The members of the local union there assembled shall vote,
143 without debate, solely on the question of whether to accept or reject
144 the decision and recommendations of the trial committee and a major-
145 ity vote shall be final, subject only to appeal.

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

148 **SEC. 2(g).** The accused and those who preferred the charges and
149 the local union of which the accused is a member shall be notified by
150 registered, certified or overnight mail of the action of the trial commit-
151 tee and of the local union in connection therewith. Such notice shall
152 advise the parties of their right to appeal to the General President.

153 **SEC. 2(h).** Except as provided in Section 2(i) of this Article, should
154 the accused fail, refuse or neglect to appear for trial after due notice or,
155 after appearing, refuse to comply with orders or directions of the trial
156 committee relating to the conduct of their trial or otherwise attempt

to obstruct or thwart the trial committee in its conduct of their trial, 157
 the trial committee shall proceed with their trial in their absence, 158
 hear such evidence as may be presented by witnesses who respond 159
 to notice, and render its findings, decision, and recommendations. 160
 Nothing contained in this paragraph shall deprive the accused of the 161
 privilege of selecting a good standing member of their or any other 162
 local union to act as their counsel during proceedings unless such 163
 counsel should refuse to comply with orders or directions of the trial 164
 committee relating to the trial or should otherwise attempt to obstruct 165
 or thwart the trial committee in its conduct of the trial. Should those 166
 who preferred the charges fail to appear after due notice, the accused 167
 shall be found not guilty. 168

SEC. 2(i). In the event the accused is employed at a point one hun- 169
 dred (100) or more miles distant from the point at which such trial is 170
 to be held, such party may submit their evidence in written form and 171
 shall not be required to attend the trial in person. 172

SEC. 2(j). Either party shall be granted a postponement of a trial for 173
 a reasonable time by the chair of the trial committee if valid reasons 174
 are presented, or the trial committee may postpone the trial, either on 175
 request or on its own motion, for no more than thirty (30) days. 176

SEC. 2(k). Either party to the proceedings, provided for in this Sec- 177
 tion, may appeal from the findings, decision, or recommendations of a 178
 trial committee or the action of any local union in connection there- 179
 with in the manner prescribed in Article Nineteen (19). 180

SECTION 3 – TRIAL BY INTERNATIONAL TRIAL BOARD 181

SEC. 3(a). Should the General President order an accused member, 182
 officer, or representative of any local union or council to be tried by 183
 International Trial Board as provided in Section 1(d) of this Article, they 184
 shall, in the event the charges were filed with a local union, notify such 185
 local union, the accused and those preferring the charges in writing, by 186
 registered, certified or overnight mail, of the time and place of such trial. 187

188 Should the General President order the trial held at a place other than
 189 within the jurisdiction of the local union in which the alleged offense
 190 occurred or of which the accused is a member, the parties and their
 191 counsel shall be reimbursed for travel expenses and earnings necessar-
 192 ily lost as a result of their attendance at the trial. Expenses and loss of
 193 earnings may be allowed to witnesses in the discretion of the General
 194 President, but in the event such allowance to witnesses is not made, the
 195 Trial Board shall admit in evidence all relevant testimony of witnesses
 196 which either party submitted in affidavit form.

197 If charges were initially filed with the General President as provided
 198 in Section 1(e) of this Article, they shall notify the accused and those
 199 preferring the charges, in writing, by registered or certified mail, of the
 200 time and place of such trial.

201 **SEC. 3(b).** Except as provided in Section 3(a), provisions of Sections
 202 2(e), 2(h), 2(i), and 2(j) of this Article shall be applicable to the extent
 203 practicable in trials before an International Trial Board.

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

210 **SECTION 4 – FORMER OR INACTIVE MEMBERS**

211 **SEC. 4.** Notwithstanding any language to the contrary in Article
 212 Sixteen (16), a suspended member, a former member who has been
 213 expelled or who has resigned in accordance with Section 14 of Article
 214 Sixteen (16), an owner-member, an associate member or a limited mem-
 215 ber shall be permitted to appear before a local union trial committee
 216 or an International Trial Board to defend against charges preferred
 217 against them and to exercise to the extent practicable such rights as
 218 are conferred on an accused party pursuant to Sections 2 and 3 of this

Article including the right to select as their counsel in the trial proceedings any good standing member of their or any other local union, and to appeal from any adverse trial committee or Trial Board decision in accordance with the provisions of Article Nineteen (19) hereof. Moreover, if such member desires to challenge the selection of the local union trial committee, they shall be permitted to attend only that portion of the union meeting at which the trial committee is selected.

SECTION 5 – SUMMARY DISPOSITION

SEC. 5. A charge may be dismissed without hearing if, after assuming the charging party’s allegations to be true, the charges fail to describe actions which would constitute violations of the Constitution or the bylaws of the affiliate involved, or if it is found that the charges are of such a nature that the interest of the union does not justify the expenditure of time, money, and other resources necessary for the conduct of a disciplinary proceeding. The decision whether to dismiss shall be made by the trial committee with respect to charges filed with a local union or by the General President with respect to charges filed or referred pursuant to Sections 1(d) or 1(e).

SECTION 6 – FINES

SEC. 6. All fines levied in accordance with the provisions of this Constitution shall be paid within the time limit specified and, in Canada no dues shall be accepted from any member who refuses, fails or neglects to pay such fines, except that if the fine exceeds Fifty Dollars (\$50.00), payment of the sum of Fifty Dollars (\$50.00) shall be paid as a condition of any proper appeal. Such payment shall stay the effective date of the payment of the total fine only until the date the appeal has been decided by the General Executive Council. Following the decision of the General Executive Council, the fine, if upheld or as modified by the General Executive Council, shall be promptly paid in whole or in

248 part as specified by such decision, unless payment is expressly waived
249 by the General Executive Council.

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

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

ARTICLE NINETEEN (19) Appeals

SECTION 1 – WHO MAY APPEAL

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2 **SEC. 1(a).** Original Appeals. Any local union, council, committee,
3 board, officer, representative of this Association or any officer, repre-
4 sentative, or member of any local union, council, committee or board
5 thereof whose constitutional rights are alleged to be violated by any
6 decision, order or inaction of a local union, council, committee, board
7 or a legally constituted tribunal thereof or by any decision or order
8 of any General Officer or Officers, Representative, or the General
9 Executive Council of this Association shall have the right to appeal
10 as provided in this Article.

11 Except as otherwise provided in this Constitution all original
12 appeals shall be referred to the General President for consideration
13 and decision. The General President, however, may, in their discretion,

decline to rule and refer any appeal directly to the General Executive Council. Any party to an original appeal decided by the General President may appeal such decision to the General Executive Council.

SEC. 1(b). Appeals From Trial Committee and Trial Board Decisions.

Any party to trial committee proceedings under Article Eighteen, Section 2, may appeal to the General President from the findings, decision or recommendations of a trial committee or the action of any local union in connection therewith. Any party to such trial committee or trial board proceedings may appeal the decision of the General President to the General Executive Council. Any party to International Trial Board proceedings under Article Eighteen, Section 3, may appeal to the General Executive Council.

SECTION 2 – APPEALS PROCEDURE

SEC. 2(a). Requirements for Appeals. All appeals shall be:

- In written form
- Signed by the appellant(s)
- Accompanied by such evidence, consisting of documents and written evidence in affidavit form, and arguments as are deemed necessary by the appellant(s) for the proper and complete consideration of the appeal
- Mailed by registered or certified mail, return receipt requested, overnight mail or by a courier delivery service that provides a return receipt, to the General Secretary-Treasurer and the opposing party or parties, including a charging party where applicable
- Postmarked or delivery confirmed within thirty (30) days from the date of the action from which appeal is taken or from the date of notice to the appellant where that is required by this Constitution.

43 If the appeal is from a decision of a trial committee or International
44 Trial Board, the “notice” referred to herein shall be the date of

- 45 ■ The mailing to the parties of a copy of the
46 transcript or the minutes of the trial or
- 47 ■ Action of the local union on the trial committee
48 decision (or in the case of an International
49 Trial Board, the decision of the board)

50 whichever is later.

51 If a fine in excess of Fifty Dollars (\$50.00) has been imposed, the
52 member appealing must provide proof that the sum of Fifty Dollars
53 (\$50.00), as required in Article Eighteen (18), Section 6, has been paid to
54 the member’s local union within the thirty (30) day period in order for
55 the appeal to be considered timely.

56 Appeals from any decision or order directed to a local union, council,
57 committee or board shall be made by the involved affiliate and not by
58 an individual member or members thereof and shall require authori-
59 zation by the affiliate and be signed by its principal executive officer.

60 Appeals not filed within the time limits prescribed in this Article
61 shall be dismissed by the General Secretary-Treasurer and notice
62 of such dismissal sent to the appellant(s) by registered, certified or
63 overnight mail. Unless the appellant(s) submits facts which if estab-
64 lished by proof would show the appeal to be timely, the decision of the
65 General Secretary-Treasurer shall be final and not subject to appeal.

66 **SEC. 2(b). Answers.** Parties other than the appellant, including
67 a local union, council, committee or board, shall have the right to
68 file an answer to an appeal which must be submitted to the General
69 Secretary-Treasurer postmarked or delivery confirmed within thirty (30)
70 days after the receipt of the appeal, which answer shall contain such
71 written rebuttal evidence, exhibits and argument as they deem neces-
72 sary for the proper and complete consideration of the appeal.

The answer shall be mailed by registered or certified mail, return receipt requested, overnight mail or by a courier delivery service that provides a return receipt, to the General Secretary-Treasurer and the appellant(s). The appellant(s) may apply to the General Secretary-Treasurer for permission to file a reply to the answer which the General Secretary-Treasurer may grant and set a date for submission, in their discretion, only if the answer raises new facts or arguments. The record shall be closed when the last submission is received or all time limits for submissions have passed.

SECTION 3 – DECISIONS ON APPEAL

SEC. 3(a). The General President’s decision shall be mailed by registered or certified mail, return receipt requested, overnight mail or by a courier delivery service that provides a return receipt and shall be final and binding unless changed on further appeal as provided in this Article.

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

SEC. 3(c). Should a member of the General Executive Council be a member of an International Trial Board they shall not participate in the decision of any appeal from a decision of such International Trial Board. The decision of the General Executive Council shall be by majority vote of those participating and shall be final and binding unless changed upon appeal to the General Convention.

104 The decision shall be mailed by registered or certified mail, return
105 receipt requested, overnight mail or by a courier delivery service that
106 provides a return receipt.

107 **SEC. 3(d).** The General Executive Council may, in its discretion, dele-
108 gate to a subcommittee composed of no fewer than three (3) members
109 authority to decide any appeal from a decision of the General Presi-
110 dent or an International Trial Board. In such event, the hearing on the
111 appeal shall be held at a location reasonably convenient to the parties
112 having an interest in the appeal. The decision of the subcommittee
113 shall have the same effect, force and authority as a decision of the full
114 General Executive Council.

115 **SECTION 4 – APPEALS TO THE GENERAL CONVENTION**

116 **SEC. 4(a).** All appeals from decisions of the General Executive
117 Council shall be submitted by registered or certified mail, return
118 receipt requested, overnight mail or by a courier delivery service that
119 provides a return receipt, to the General Secretary-Treasurer and
120 postmarked or delivery confirmed within sixty (60) days from the
121 date of the mailing of the decision by the General Executive Council.
122 The General Secretary-Treasurer shall mail notice of such appeal to
123 the other parties involved.

124 If the appeal is from a trial decision that imposed a fine in excess of
125 Fifty Dollars (\$50.00), the member appealing shall submit proof of pay-
126 ment of the balance of the fine within sixty (60) days after notification
127 of the decision of the General Executive Council, unless such payment
128 shall have been waived by the General Executive Council pursuant
129 to Section 5(b) of this Article. Otherwise the appeal shall be deemed
130 untimely and denied.

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

SEC. 4(b). Unless otherwise provided in this Constitution, all appeals from decisions of the General Executive Council shall be referred to the Grievances and Appeals Committee of a General Convention which shall render its decision upon the written record made before the General Executive Council. Any party to an appeal to the Grievances and Appeals Committee shall be permitted to appear before said Committee for the purpose of argument, but shall not be permitted to introduce additional evidence. The Grievances and Appeals Committee shall report to the General Convention such recommendations with respect to the disposition of the appeal as it deems fair and proper, which report shall be acted upon by the Convention in the same manner as reports of other Convention committees, except that debate in connection therewith shall not be permitted. The Convention delegates shall vote, without debate, solely on the question of whether to accept or reject the decision and recommendations of the Grievances and Appeals Committee, and a majority vote of the delegates to the Convention shall be final.

SECTION 5 – COMPLIANCE PENDING APPEAL

SEC. 5(a). Except as provided in Section 6 of Article Eighteen (18) and Section 5(b) of this Article, no appeal shall be recognized or considered unless the local union, council, committee, board, officer, representative, or member thereof filing the appeal has accepted and complied with the decision or order from which such appeal is taken, including the payment of all financial obligations in connection therewith.

SEC. 5(b). A member who files an appeal to the General President or the General Executive Council and believes compliance with Section 5(a) of this Article or with Section 6 of Article Eighteen (18) would constitute a substantial bar to the exercise of the right to appeal may request a waiver in writing at the time the appeal is filed. In the event the General President or the General Executive Council concludes that compliance would constitute a substantial bar to the

165 right of appeal, compliance therewith may be waived or modified by
166 the General President with respect to appeals submitted to them and
167 by the General Executive Council with respect to appeals submitted
168 to it or to the General Convention, provided, however, that in the
169 event the decision or order appealed from directs suspension or
170 expulsion from membership compliance with such portion thereof
171 pursuant to Section 5(a) of this Article shall be waived automatically
172 pending disposition of any appeal to the General President or the
173 General Executive Council but not thereafter unless expressly waived
174 by the General Executive Council.

175 SECTION 6 – DEFERRED APPEALS

176 **SEC. 6.** The General President, General Executive Council and General
177 Convention are hereby authorized to refuse or defer consideration,
178 or to refuse, defer or withhold decisions in any matter pending in any
179 court of law as circumstances in their opinion and judgment may
180 warrant and justify.

181 SECTION 7

182 **SEC. 7.** The General President, General Executive Council and General
183 Convention shall have the right to affirm, amend, modify, or reverse
184 any decision which has been submitted to them or to them on appeal,
185 and increase or decrease the penalty, if any, in connection therewith, or
186 order a new trial before the same or a different trial committee.

187 SECTION 8 – APPEALS TO COURTS

188 **SEC. 8.** Subject to applicable laws, no subordinate body or officer or
189 member thereof, shall appeal to the civil courts for redress of any
190 alleged grievance or wrong, or to secure any alleged rights until all
191 of the internal remedies provided in this Constitution, including
192 the right of appeal, have been exhausted; provided, that this Section

shall not apply to filing of charges with the National Labor Relations Board or with any other state, provincial or federal agency where application of this Section would violate applicable federal or provincial law. Any officer, member, or subordinate body violating the provisions of this Section shall be subject to charges and trial as provided by this Constitution.

ARTICLE TWENTY (20)

Official Communications

SECTION 1

SEC. 1. The official print publication of SMART, as well as all electronic media and web communications, shall be issued on a regular or as needed basis.

SECTION 2

SEC. 2. The International Association's official publication shall be under the supervision of the General Secretary-Treasurer and issued at a subscription rate established by the General Executive Council which, in the case of members, shall be included in the monthly per capita dues paid to the General Office. The General Secretary-Treasurer may enter such free subscriptions to the official publication for non-member individuals or for such institutions or groups as they may deem desirable for the promotion of the interests of this Association.

SECTION 3

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

ARTICLE TWENTY-ONE A (21A)

Railroad, Mechanical and Engineering Department

ABOUT THIS ARTICLE

Locals which are covered by Article Twenty-One B (21B) shall be exempt from the provisions of this Article Twenty-One A (21A). Locals which are covered by this Article Twenty-One A (21A) are exempt from the provisions of Article Twenty-One B (21B).

SECTION 1 – JURISDICTION

SEC. 1. The Railroad, Mechanical and Engineering Department will have jurisdiction over General Committees and local unions and the members thereof as may be determined by the General President.

SECTION 2 – GOVERNMENT

SEC. 2. A General Committee shall enact by-laws for the government thereof subject to the approval of the General President provided such by-laws do not conflict with the provisions of this Constitution. A General Committee or Local that is under the jurisdiction of the Railroad, Mechanical and Engineering Department, its officers, representatives and members shall be bound by the provisions of this International Constitution and by all the policies and decisions properly rendered by the General President and the General Executive Council.

SECTION 3 – GENERAL COMMITTEE CONVENTION

SEC. 3(a). Time and Place. A General Committee Convention shall be held at such time and place as may be provided in its by-laws provided, however, the General Committee Convention shall be held not less often than every four (4) years.

SEC. 3(b). Number and Qualifications of Delegates. Each local union shall be entitled to one (1) delegate to its General Committee Convention for the first fifty (50) good standing members or less and one (1) additional delegate for each additional fifty (50) members or majority fraction thereof. The number of delegates shall be based upon the number of members in such local union over whom each General Committee has jurisdiction. No member shall be eligible for nomination or election as a delegate unless they meet the qualifications described in Section 3 of Article Twelve (12) of this Constitution.

SEC. 3(c). Election of Delegates. Delegates shall be elected by each local union in accordance with the provisions of this Constitution, Article Seven (7), Section 3(b).

SEC. 3(d). Voting Strength. Each delegate shall be entitled to one (1) vote on all matters coming before the General Committee Convention. In the election of General Committee officers each local union present shall be entitled to one (1) vote.

SECTION 4 – OFFICERS

SEC. 4(a). Number, Title, and Term of Office. Officers of a General Committee shall be the general chairperson, financial secretary-treasurer and trustees who shall serve for a period of four (4) years. The position of financial secretary-treasurer may be combined between one or more General Committees into a single position. The offices of general chairperson and financial secretary-treasurer may not be combined.

SEC. 4(b). Qualifications for Office. No member shall be eligible for nomination or election as an officer of a General Committee unless they meet the qualifications prescribed in the second paragraph of Section 3 of Article Twelve (12) of this Constitution.

SEC. 4(c). Election of Officers. The officers of each General Committee shall be nominated and elected by the delegates at the General Committee Convention in accordance with Article Twelve (12), Section 4 of this Constitution. Elections shall be held by secret ballot.

55 **SEC. 4(d). Vacancies.** Temporary and permanent vacancies, in any
56 office of the General Committee, shall be filled in accordance with the
57 provisions of the by-laws, provided same are not inconsistent with
58 Article Twelve (12), Section 8 of this Constitution.

59 **SECTION 5 – DUTIES OF GENERAL CHAIRPERSON**

60 **SEC. 5.** A General Chairperson shall represent the Railroad, Mechanical and Engineering Department members under their jurisdiction
61 thereof in matters pertaining to organizing, collective bargaining
62 agreements, wages, hours, conditions of employment and jurisdictional matters and supervise the conduct, activities and appoint
63 members to committees as needed in connection therewith to the
64 end that the provisions of this Constitution and the policies of
65 this Association are complied with. They shall not participate in
66 negotiations seeking modification or changes in existing collective
67 bargaining agreements without prior consultation with the General
68 President or a representative designated by them. They shall assist
69 and cooperate with the officers of local unions and the members
70 thereof in carrying out the provisions of this Constitution; use their
71 best efforts to adjust and settle such controversies as may arise in
72 connection with the complaints of members consistent with the
73 rights of those involved in accordance with the provisions of this
74 Constitution and the policies of this Association.

75 A General Chairperson shall protect the work jurisdiction set forth
76 in Section 5(mm) of Article One (1) of this Constitution and shall not
77 enter into any agreement with representatives of other organizations
78 involving work jurisdiction until such contemplated agreement is
79 submitted to and approved by the General President.

80 A General Chairperson by virtue of their office shall be the automatic delegate from their home local union to the General Convention.
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SECTION 6 – FINANCIAL SECRETARY-TREASURER

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SEC. 6(a). Unless otherwise approved by the General President, the General Committee shall receive all monies from all sources paid to local unions affiliated with the Railroad, Mechanical and Engineering Department. The General Committee shall pay all bills when presented with a voucher authorizing same and signed by the General Chairperson and approved by the financial secretary-treasurer. The General Committee shall furnish a quarterly statement to the financial secretary-treasurers of all affiliated local unions of the Railroad, Mechanical and Engineering Department.

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The General Committee shall discharge, on behalf of the Railroad, Mechanical and Engineering Department, the execution and filing of any reports to federal or state authorities and maintain such records as the law requires for the period or periods of time for which they are required to be kept.

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SEC. 6(b). The duties of the financial secretary-treasurer shall be consistent with those stated in Article 13, Section 4.

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SECTION 7 – TRUSTEES

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SEC. 7(a). Trustees. Each General Committee shall have at least three (3) trustees.

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SEC. 7(b). Duties of Trustees. It shall be the duty of the trustees to review the revenue and expenses of the General Committee consistent with the requirements of Article 13, Section 5.

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SECTION 8 – REVENUE AND FUNDS

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SEC. 8(a). Per Capita Dues. The General Committees shall establish and maintain monthly per capita dues sufficient to carry on the business of the General Committees on a sound financial basis having in mind its current and prospective needs.

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112 When the General Committees' per capita dues are increased by
113 action of the local chairperson/delegates under the jurisdiction of that
114 General Committee, then prevailing rate of dues of each local union
115 shall be automatically increased in like amount on the effective date of
116 the per capita dues increase.

117 **SECTION 9 – COLLECTIVE BARGAINING**

118 **SEC. 9.** This Association, acting through its duly authorized offi-
119 cers, committees, or representatives, has full and sole authority to
120 represent all employees who are members of this Association or any
121 local union affiliated therewith in the negotiating, interpreting and
122 applying of agreements covering wages, hours, and other conditions
123 of employment.

124 No agreement covering wages, hours and other conditions of
125 employment shall become effective unless and until the same shall be
126 ratified by the members affected thereby who shall be afforded oppor-
127 tunity to vote thereon at special membership meetings in each of the
128 respective affected local unions.

129 **SECTION 10 – COMPLIANCE**

130 **SEC. 10.** All local unions in this department shall comply strictly with
131 all provisions and requirements of this Constitution with refer-
132 ence to the payment of dues and other obligations and the proper
133 acknowledgement and recording of same on official receipts in
134 triplicate form. Upon written request from a local union, the General
135 Secretary-Treasurer may by giving written notice to the local union
136 financial secretary-treasurer or president, assume responsibility for
137 receiving dues and issuing dues receipts, creating and processing
138 financial reports reflecting the receipt of dues, and remitting the
139 local portion of the dues to the local; and they shall remit the local
140 portion of the dues to the local minus the amount owed to the Gen-
141 eral Committee having jurisdiction.

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

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

SECTION 11 – INITIATION FEE, REINITIATION FEE & REINSTATEMENT FEES AND WITHDRAWAL CARDS

SEC. 11(a). All local unions in this department after ninety (90) days from date of issuance of charters may charge an initiation fee of not more than Two Hundred Dollars (\$200.00), nor less than the amount established by the local union by-laws or policies. Each new member shall be required to pay all dues and fees owed SMART from when the employer notifies the labor organization of their hiring and the labor organization conveys this to the new member by letter with a copy to the financial secretary-treasurer. It is the responsibility of the new member to ensure that their dues are actually being paid. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as an International initiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and

173 the SMART Local Unions and Councils Pension Fund (Canada) and/
174 or the SMART Local Unions and Councils Supplemental Employee
175 Retirement Plan (Canada), and up to five percent (5%) shall be paid the
176 Sheet Metal Workers' International Staff Pension Fund.

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

182 **SEC. 11(b).** All local unions in this department may charge a reinitia-
183 tion fee of not more than Two Hundred Dollars (\$200.00), nor less than
184 the amount established by the local union by-laws or policies. It is the
185 responsibility of the member to notify the financial secretary-trea-
186 surer in writing of their return to work and to ensure that their dues
187 are actually being paid. They shall be required to pay all dues and fees
188 owed to SMART from the time they returned to work. Forty-five per-
189 cent (45%) of said fee shall be sent to the General Secretary-Treasurer
190 as an International reinitiation fee. At least thirty-five percent (35%) of
191 the fees collected pursuant to this Section shall be paid to the General
192 Fund, and up to five percent (5%) shall be apportioned on a basis deter-
193 mined by the General Executive Council between the SMART Local
194 Unions and Councils Pension Fund (United States) and the SMART
195 Local Unions and Councils Pension Fund (Canada) and/or the SMART
196 Local Unions and Councils Supplemental Employee Retirement Plan
197 (Canada), and up to five percent (5%) shall be paid to the Sheet Metal
198 Workers' International Staff Pension Fund.

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

201 **SEC. 11(c).** All local unions in this department may charge a rein-
202 statement fee of not more than Two Hundred Dollars (\$200.00),
203 nor less than the amount established by the local union by-laws or
204 policies. It is the responsibility of the member to notify the financial

secretary-treasurer in writing of their return to work and to ensure that their dues are actually being paid. They shall be required to pay all dues and fees owed to SMART from the time they return to work. If the suspended member does not comply with the above requirements they shall be required to pay all dues and fees owed SMART from the time they returned to work. Forty-five percent (45%) of said fee shall be sent to the General Secretary-Treasurer as International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund, and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. The reinstatement fee specified herein shall apply to suspended members who comply with the requirements of reinstatement within two (2) months from date of suspension.

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

SEC. 11(d). Any member in good standing who leaves the trade or accepts employment in another trade or is furloughed from the employer, or goes on medical leave of absence exceeding sixty (60) days shall, subject to the provisions of this Constitution, immediately make application for and be issued a withdrawal card. No member in good standing against whom charges are pending and are not disposed of shall be entitled to a withdrawal card. A withdrawal card shall become void immediately upon a member's acceptance of employment with an employer performing work covered by the claimed jurisdiction of this Association.

Application for withdrawal cards shall be made to the financial secretary-treasurer of the local union of which the applicant is a member.

237 Such applications shall be accompanied by payment of all dues, fees,
238 and other financial obligations due the local union and this Associa-
239 tion to and for the month in which the withdrawal card is issued plus
240 Five Dollars (\$5.00) withdrawal card fee. The General Secretary-Trea-
241 surer may establish rules limiting the validity of withdrawal cards to
242 ensure that the purposes of this Section are implemented.

243 A member on withdrawal card who is eligible for membership
244 who wishes to return to employment and become reinstated to
245 membership, shall have the right to deposit their withdrawal card
246 with the local union which issued the same and apply for reinstate-
247 ment. The minimum fee for reinstatement on a valid withdrawal
248 card shall be Fifteen Dollars (\$15.00). Six Dollars and Seventy-Five
249 Cents (\$6.75) or forty-five percent (45%) of which shall be sent to
250 the General Secretary-Treasurer as an International reinstatement
251 fee, thirty-five percent (35%) of which shall be paid to the General
252 Fund, and up to five percent (5%) shall be apportioned on a basis
253 determined by the General Executive Council between the SMART
254 Local Unions and Councils Pension Fund (United States) and the
255 SMART Local Unions and Councils Pension Fund (Canada) and/
256 or the SMART Local Unions and Councils Supplemental Employee
257 Retirement Plan (Canada), and up to five percent (5%) shall be paid
258 to the Sheet Metal Workers' International Staff Pension Fund. The
259 General Secretary-Treasurer may reduce or waive the withdrawal
260 reinstatement fee for a local union, upon request. Deposit of with-
261 drawal card for purpose of reinstatement may be made by mail or
262 by other method of delivery.

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SECTION 12 – LOCAL CHAIRPERSON

264 **SEC. 12(a).** Each local union shall have a local chairperson who shall
265 possess the same qualifications as those prescribed in Section 4(b) of
266 this Article and be elected by the local union in the same manner, at
267 the same time and for the same term as local union officers. The local

union may establish the position of vice local chairperson. The local chairperson and vice chairperson shall work at the direction of the general chairperson.

SEC. 12(b). Duties. A local chairperson shall represent the local union and the members thereof in matters pertaining to the application of the controlling agreement, conditions of employment, and shall supervise the conduct and activities of members in connection therewith; assist and cooperate with the officers of the local union and the members thereof in carrying out the provisions of this Constitution; use their best efforts at the local level to adjust and settle such controversies as may arise in connection with complaints of members, consistent with the rights of those involved, in accordance with the provisions of this Constitution and the policies of this Association. Subject to the provisions of Article Seven (7), Section 3(d), by virtue of their position and as part of their duties, a local chairperson shall serve as a delegate of the local union to the General Convention of this Association except as provided by Article Twenty-One A (21A), Section 5, and the General Committee Convention provided that no local unions shall be entitled to more delegates than are provided for in Article Seven (7) of this Constitution. This Section shall not be construed to require a local union to send more delegates than it desires to represent it. The local chairperson shall protect the work jurisdiction set forth in Section 5(mm) of Article One (1) of this Constitution and shall not enter into any agreements with representatives or other organizations involving work jurisdiction.

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

298 **SEC. 12(d).** Each local union shall exert every reasonable effort to
299 encourage the participation of its local chairperson in such training
300 programs as may be sponsored by this Association.

301 **SEC. 12(e).** Notwithstanding any other provision of Article Twen-
302 ty-One A (21A) of this Constitution, in those instances where a General
303 Committee consists of only one (1) local union, the position of the
304 local chairperson shall be eliminated and the duties and obligations
305 of that position described in Section 14(b) hereof in addition to those
306 described in Section 5 of this Article will be assumed by the General
307 Chairperson of the General Committee who shall be elected by the
308 local union for the same term and in the same manner as other officers
309 of the local union. In this instance, the General Chairperson would be
310 an automatic delegate.

ARTICLE TWENTY-ONE B (21B)

Transportation Division

ABOUT THIS ARTICLE

Locals which are covered by Article Twenty-One A (21A) shall be exempt from the provisions of this Article Twenty-One B (21B). Locals which are covered by this Article Twenty-One B (21B) are exempt from the provisions of Article Twenty-One A (21A).

SECTION 1 – NAME OF DIVISION

1

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

SECTION 2 – TRANSPORTATION DIVISION OFFICERS, BOARDS AND MEMBERS

SEC. 2. The Transportation Division shall consist of the following Officers, Boards and Members:

A. Officers:

- President Transportation Division
- National Legislative Director
- Alternate National Legislative Director
- Eight (8) Transportation Division Vice President-International Representatives, of which Two (2) Transportation Division Vice President-International Representatives shall be from the Bus Department
- Eight (8) Alternate Transportation Division Vice President-International Representatives of whom:
 - One (1) shall be from the Bus Department from the Western Territory (West of the Mississippi River) and
 - One (1) shall be from the Bus Department from the Eastern Territory (East of the Mississippi River)
- Vacancies occurring in positions not subject to attrition shall be filled as follows:
 - President Transportation Division – By a two-thirds ($\frac{2}{3}$) vote of the Board of Directors
 - National Legislative Director –
By the Alternate Legislative Director

- 25 ■ Vice President – International Representatives:
 - 26 □ The Senior Transportation Division Alternate Vice
 - 27 President-International Representative from the
 - 28 Bus Department shall fill a Bus Vice President-
 - 29 International Representative vacancy.
 - 30 □ Other Transportation Division Vice President-
 - 31 International Representative vacancies by a
 - 32 two-thirds ($\frac{2}{3}$) vote of the Board of Directors
 - 33 from amongst the Alternate Vice Presidents
 - 34 other than those from the Bus Department.
- 35 ■ Vacancies not otherwise provided for in this Article shall be
- 36 filled by a two-thirds ($\frac{2}{3}$) vote of the Board of Directors. The
- 37 President Transportation Division, National Legislative Director
- 38 and the three senior Transportation Division Vice President-
- 39 International Representatives who are members of rail local
- 40 unions and the senior Transportation Division Vice-President-
- 41 International Representative who is a member of a Bus
- 42 Department local union shall also be General Vice Presidents.

43 B. Boards:

- 44 ■ Board of Directors – The Board of Directors shall consist
- 45 of the President Transportation Division, National
- 46 Legislative Director, and Eight (8) Transportation
- 47 Division Vice President-International Representatives,
- 48 two of whom are elected from the Bus Department.
- 49 ■ Board of Appeals (Members must hold seniority in one
- 50 of the crafts under the jurisdiction of the Board.)
 - 51 □ Six (6) Members
 - 52 □ One (1) from Engine Service

□ One (1) from Road Service (Train Service)	53
□ One (1) from Yard Service (Train Service)	54
□ One (1) from Commuter Authorities	55
□ One (1) from Bus Department	56
□ One (1) from the Aviation Department	57
C. Members:	58
■ One (1) Delegate from each Local for the Transportation Division Convention	59 60
D. Attrition of Positions:	61
■ A position designated as attritable shall be eliminated when the present incumbent vacates the position for any reason.	62 63
E. President Emeritus:	64
■ The Immediate Past President shall be President Emeritus.	65
F. Members will vote for the following Officers and Boards:	66
■ President Transportation Division	67
■ National Legislative Director	68
■ Alternate National Legislative Director	69
■ Eight (8) Transportation Division Vice President- International Representatives, Two (2) of whom shall be from the Bus Department.	70 71 72
■ Eight (8) Alternate Vice Presidents—Two (2) of whom shall be from the Bus Department	73 74
■ Board of Appeals	75

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

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

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

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

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

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

1 **SECTION 6 –TRANSPORTATION DIVISION CONVENTION**

2 **SEC. 6.** The Transportation Division shall convene in regular session
3 quinquennially after 2014, immediately preceding the SMART Con-
4 vention and such regular session will not exceed four (4) consecutive
5 calendar days — two (2) session days and two (2) travel days.

6 SMART has jurisdiction over all subordinate bodies and all sub-
7 jects pertaining to the Transportation Division, except as provided in
8 Section 80.

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

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

16 Officers and Delegates of the Transportation Division will be fur-
17 nished official badges at the beginning of the Transportation Division
18 Convention. Official badges for the SMART Convention will be han-
19 dled in accordance with Article Seven (7).

1 **SECTION 7 – ELIGIBILITY FOR**
2 **TRANSPORTATION DIVISION OFFICE**

3 **SEC. 7.** Unless otherwise provided, any member paying full dues shall
4 be eligible for election to any office in the Transportation Division,
5 except a member who:

- 6 ■ Holds membership in any other union representing
7 transportation employees, other fields of employment,
8 trades and industries, whether in public or private
9 employment, except when a member is forced
10 by agreement to belong to another union;

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

SECTION 8 – ELECTION AND INSTALLATION OF TRANSPORTATION DIVISION OFFICERS

SEC. 8. Nominations for candidates shall be made from the floor by any Delegate. Seconds to nominations and nominating speeches will not be required.

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

9 Officers shall be elected by a secret ballot during each regular con-
10 vention of the Transportation Division. The provisions of the first and
11 third paragraphs of Article Seven, General Conventions, Section 2(a)
12 shall apply to these elections.

13 Officers elected by a convention will be obligated and installed
14 during the convention session. Officers who succeed to office under
15 the provisions of this Constitution or are appointed by the Board of
16 Directors between conventions will be installed, by the General Pres-
17 ident or their designated representative, before assuming office. The
18 obligation shall be the same as that provided for officers of a Local.

1 **SECTION 9 – TERM OF OFFICE**

2 **SEC. 9.** Officers elected at the Transportation Division Convention shall
3 assume their offices on October 1 following their election and shall hold
4 such office until October 1 following the adjournment of the next quin-
5 quennial convention, subject to the provisions of the Constitution.

1 **SECTION 10 – REPORTS OF OFFICERS**

2 **SEC. 10.** Vice President-International Representatives and the National
3 Legislative Director shall make a report to the President Transporta-
4 tion Division at the conclusion of each assignment.

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

1 **SECTION 11 – DELETED IN ITS ENTIRETY**

SECTION 12 – TRANSPORTATION DIVISION 1
DUES AND ASSESSMENTS 2

SEC. 12. The funds of the Transportation Division shall be acquired by 3
 assessments of dues in the amount of \$31.50 per month on all mem- 4
 bers employed in transportation service, other fields of employment, 5
 trades, and industries, whether public or private employers. 6

Transportation Division dues will be apportioned to the various funds 7
 of the Transportation Division as follows effective January 1, 2020: 8

- Convention Fund \$ 2.00 9
- General Fund \$28.50 10
- Maintenance of Membership Fund \$ 1.00 11
- Public Relations Fund \$.50 12
- Strike Fund \$.25 13
- Education and Training Fund \$ 1.25 14

Requests for reduced Transportation Division dues must be pre- 15
 sented to the Board of Directors for consideration and subsequent 16
 referral to the General President with a recommendation. Upon the 17
 Board of Directors’ recommendation, the General President, with the 18
 approval of the General Executive Council, may grant a reduction of 19
 monthly Transportation Division dues in situations where special 20
 circumstances exist. Approved reductions shall be subject to review on 21
 an annual basis. 22

All receipts for charter fees, Local supplies, official publications, 23
 and other sources not otherwise provided for shall be placed in the 24
 General Fund. 25

Except as otherwise provided in Article Twenty-One B (21B), all 26
 disbursements for expenses incidental to conducting the business 27
 of the Transportation Division shall be paid from the General Fund. 28

29 Expenses in connection with the conventions, public relation activi-
30 ties, strikes and maintenance of membership shall be paid from the
31 funds created for such purposes. There shall be no transfer of funds
32 from one account to another except upon approval by a majority vote
33 of the Board of Directors and General Executive Council.

34 The assessment of dues shall be increased by the following monthly
35 amounts effective on the dates shown and allocated to the General Fund:

- 36 ■ \$2.00 effective January 1, 2020
- 37 ■ \$1.00 effective January 1, 2021
- 38 ■ \$2.00 effective January 1, 2022
- 39 ■ \$1.00 effective January 1, 2023
- 40 ■ \$1.00 effective January 1, 2024

41 Notwithstanding any other language herein, the General Presi-
42 dent, with the concurrence of the President Transportation Division
43 and with the approval of the General Executive Council, may reduce,
44 postpone or cancel the per capita dues or any increase for members
45 in certain and specific work classifications of the entire industry,
46 provided that such action is deemed advisable or necessary in the best
47 interests of this Association and the members thereof.

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

52 Fund Trustees shall also be empowered to make agreements with
53 vendors to provide members with disability insurance coverage or
54 other benefits through the Transportation Division, at the members'
55 cost, on an opt-out basis. The President Transportation Division and
56 General Secretary-Treasurer shall be equally responsible for the dis-
57 bursements of funds.

SECTION 13 – REMOVED

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See Article Thirty-Three (33).

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SECTION 14 – REMOVED

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See Article Seven (7), Section 14.

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**SECTION 15 – BONDING OF TRANSPORTATION
DIVISION OFFICERS AND EMPLOYEES**

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SEC. 15. The President Transportation Division in concurrence with the General Secretary-Treasurer shall arrange for the bonding of Transportation Division officers and employees. The President Transportation Division shall be bonded for not less than Five-Hundred Thousand Dollars (\$500,000.00); all other officers and employees, if required, shall be bonded for not less than Twenty-Five Thousand Dollars (\$25,000.00) each, all payable to the International Association of Sheet Metal, Air, Rail and Transportation Workers.

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SECTION 16 – PRESIDENT TRANSPORTATION DIVISION

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SEC. 16. The President Transportation Division shall be the executive head of the Transportation Division, exercise general supervision over its affairs and interests, including all Transportation Division subordinate bodies and shall preside at all sessions of the Transportation Division Conventions.

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

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15 It is the responsibility of the President Transportation Division
16 to interpret Article Twenty-One B (21B), decide all questions arising
17 therefrom, and decide all other controversies not provided for under
18 this Article, subject to the General President’s evaluation to determine
19 whether the questions involve only the interests of the Transportation
20 Division and the members it serves and do not include any matters
21 that affect other members of SMART, such as financial questions that
22 implicate more than the interests of the Transportation Division and
23 actions that pose legal risk to SMART.

24 The President Transportation Division shall, no later than Janu-
25 ary 31st of each calendar year, prepare an operational budget for the
26 Transportation Division by department, which shall include an annual
27 budget for each fund authorized by the delegates under the provisions
28 of Section 12. This budget, which shall be reviewed and approved by
29 the Board of Directors, will be submitted to the SMART Finance Com-
30 mittee, with final approval by the General Executive Council.

31 Upon approval by the General Executive Council, the annual
32 budget will be published in the SMART Transportation Division News
33 not later than the May edition. In the event a budget has not been
34 approved by May 1st, the President Transportation Division will pro-
35 ceed to authorize the printing of the budget as proposed.

36 The General Secretary-Treasurer shall furnish the General Chairper-
37 son and State and District Legislative Director a copy of the current
38 billing of each Local under their jurisdiction once each quarter.

39 The President Transportation Division shall perform all duties and
40 responsibilities assigned under Article Twenty-One B (21B) and such
41 other duties and responsibilities as may be necessary for the proper
42 conduct of the affairs of the Transportation Division and the accom-
43 plishment of its objectives.

SECTION 18 – DUTIES OF THE VICE PRESIDENT- INTERNATIONAL REPRESENTATIVES

SEC. 18. The Vice President-International Representatives shall perform such duties as may be assigned by the President Transportation Division or as may be required by Article Twenty-One B (21B).

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

SECTION 19 – REMOVED

See Article Three (3) and Article Twenty-One B (21B), Section 16.

SECTION 20 – ASSOCIATION OF STATE LEGISLATIVE DIRECTORS

SEC. 20. The Legislative Director of each State and the District of Columbia shall form the Association of State Legislative Directors for the purpose of coordinating concerted efforts for securing the enactment of laws and regulations, or the repeal or modification of laws and regulations to ensure the protection and welfare of the members of SMART, to exchange information regarding political and legislative activities affecting Transportation Division members and to recommend a legislative agenda for the Transportation Division.

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

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

19 Bylaws consistent with the provisions of this constitution will be
20 adopted at the 1996 meeting.

21 A majority of Association Members shall constitute a quorum.

1 **SECTION 21 – DUTIES OF NATIONAL**
2 **LEGISLATIVE DIRECTOR**

3 **SEC. 21. (a)** The National Legislative Director shall devote their efforts
4 to secure the enactment, modification, or repeal of laws in accordance
5 with the legislative policy of the organization. They shall handle all
6 legislative matters referred to them by the President Transportation
7 Division. They shall collect and compile statistics on legislation affect-
8 ing the organization, which shall be included in their report to the
9 convention. Copies of this report shall be furnished to State Legislative
10 Boards and to members on request.

11 The National Legislative Director shall handle with the proper
12 agents of the Federal Government all alleged violations of Federal law,
13 as brought to their attention, which involve the safety and welfare of
14 our membership covered by such law. They will, when authorized by
15 the President Transportation Division, represent the Transportation
16 Division and/or the President Transportation Division before Federal
17 agencies and Congressional Committees, and in such other capacities
18 as the President Transportation Division may direct.

19 The National Legislative Director shall keep the President Transpor-
20 tation Division advised on all bills and hearings before the Congress and
21 other Federal agencies, which affect the interest of the organization.
22 They shall furnish the President Transportation Division copies of all
23 bills introduced to the Congress which may affect the organization,
24 and such information as will enable the President Transportation
25 Division to determine legislative policy on such matters as may affect

the Transportation Division in accordance with the law of the organization. They shall compile a voting record of the members of Congress on legislation affecting the interests of labor. Such voting record shall be furnished the President Transportation Division, State, and District of Columbia Legislative Boards, prior to each election and/or after the adjournment of Congress. They shall submit recommendations to the President Transportation Division for candidates for Congress, based on voting records and other information concerning each candidate. The General President and President Transportation Division shall then confer on the selection of candidates. If there are differences of opinion between the National Legislative Director and a State or District of Columbia Legislative Board, such differences shall be submitted to the President Transportation Division, whose decision shall be final.

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

SECTION 22 - REMOVED

SEC. 22. The duties formerly enumerated in this Section are covered under Article Five (5) General Secretary-Treasurer, Article Six (6) General Executive Council, Section 3, Article Seventeen (17), Article Eighteen (18) and Article Twenty-One B (21B), Section 15.

SECTION 23 – DUTIES OF THE BOARD OF DIRECTORS

SEC. 23. The Board of Directors shall meet on the first Tuesday in the months of April and October, and on call of the President Transportation Division, to consider all matters coming before it.

5 In circumstances in which an officer listed in Section 2A of this
6 Article is temporarily unable to perform the duties of their office due
7 to illness or absence, the Board of Directors may designate an officer
8 who will assume the duties of the ill or absent officer until they are in
9 position to resume the duties of their office.

10 A majority of the Board of Directors shall decide matters coming
11 before the Board, except as otherwise provided in Twenty-One B (21B).
12 Members of the Board of Directors must attend and participate in all
13 Board meetings, unless prevented by illness or emergency. The General
14 President and General Secretary-Treasurer shall be notified of all meet-
15 ings of the Board of Directors and they or their designee may attend all
16 such meetings but will not have a vote on matters under consideration.

17 A member of the Board of Directors will not be permitted to partici-
18 pate in the Board's consideration of, or decision on, appeals taken from
19 their actions or decisions. Board members will vote on all decisions
20 and actions taken by the Board and will not be allowed to abstain
21 from voting, except as stated herein above concerning their actions
22 or decisions. The Annual Report shall show how each Member of the
23 Board of Directors voted on all appeals brought pursuant to Section 75
24 II immediately following the decision.

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

1 **SECTION 24 – REMOVED**

1 **SECTION 25 – REMOVED**

1 **SECTION 26 – REMOVED**

1 **SECTION 27 – BOARD OF APPEALS**

2 **SEC. 27.** Immediately after their election, the members of the Board
3 of Appeals shall meet and elect a Chairperson and Secretary. The
4 Secretary shall keep a correct record of the proceedings of the Board.

A record shall be taken of all oral testimony for the use of the Board in making its final decisions.

The Board of Appeals shall meet semiannually, on the second Monday of January and July, and at such other times as may be necessary, at the Transportation Division location, to consider and determine all appeals submitted under the provisions of Article Twenty-One B (21B). A majority of a Board shall decide all appeals coming before that Board. It shall have no authority to consider and determine any other matter, nor to refer any case to any other tribunal of the organization for a decision except questions arising as to the application of organization law under Article Twenty-One B (21B) shall be referred to the President Transportation Division.

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

In an appeal involving a Board member's Local, such Board member must disqualify themselves and be excused by the Chairperson of the Board. The original decision shall be signed by each member of the Board participating and, following each signature, the word "for" or "against" shall be written indicating their vote on the matter. Copies of all decisions shall contain the names of the Board members participating. Decisions of the Board of Appeals shall be final and binding and shall not be appealable to the convention.

The Board shall, at the conclusion of each meeting, submit a report properly authenticated to all interested subordinate bodies and Transportation Division Officers.

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

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1 **SECTION 28 – OFFICERS, MEMBERS, OR SUBORDINATE**
2 **BODIES SHALL NOT RESORT TO CIVIL COURTS UNTIL**
3 **ALL APPEALS HAVE BEEN MADE IN ACCORDANCE WITH**
4 **THIS CONSTITUTION**

5 **SEC. 28.** No officer, member, or subordinate body of the Transportation
6 Division shall resort to the civil courts to correct or redress any alleged
7 grievance or wrong, or to secure any alleged rights from or against any
8 officer, member, subordinate body, or the Transportation Division until
9 such officer, member, or subordinate body shall have first exhausted all
10 remedy by appeal provided in this Constitution for the settlement and
11 disposition of any such rights, grievances, or wrongs.

12 Any officer, member, or subordinate body of the Transportation Divi-
13 sion violating the provisions of this Section shall be subject to charges
14 and trials as provided by Twenty-One B (21B).

1 **SECTION 29 – COMPENSATION AND VACATION BENEFITS**
2 **OF TRANSPORTATION DIVISION OFFICERS, BOARD**
3 **MEMBERS AND STAFF MEMBERS WHO HOLD SENIORITY**
4 **IN A CRAFT ON A PROPERTY WHERE SMART HOLDS**
5 **REPRESENTATION RIGHTS**

6 **SEC. 29.** Adjustments in salaries of Transportation Division officers,
7 Board members and Staff members will be made in the same proportion
8 as increases or decreases in wages received by employees represented by
9 the Transportation Division, subject to final budget approval.

10 All officers, Board members and Staff members, devoting full time to
11 the service of the Transportation Division, shall receive their salary in
12 equal payments bi-weekly.

13 Members of the Board of Appeals, and other appointed committees
14 shall receive their salary not less frequently than bi-weekly while in ses-
15 sion, or when the work for which they have been assembled is completed.

Transportation Division officers, Board members, and Staff members, and representatives devoting full time to the service of the Transportation Division will be entitled to the same vacation benefits for which they would have qualified with their carrier under the National Vacation Agreement. The method of handling vacations shall be determined by the President Transportation Division.

When a member serving the Transportation Division on a part-time basis suffers a loss of earnings from their carrier resulting in a reduction or loss of their vacation pay from the carrier, they shall receive from the department of the Transportation Division in which they served the amount of vacation pay lost as result of their services with the Transportation Division.

SECTION 30 – FISCAL YEAR

SEC. 30. The fiscal year of the Transportation Division and all its subordinate bodies shall begin on the 1st day of January and end on the 31st day of December of the same year.

SECTION 31 – REMOVED

SECTION 32 – PRINTING AND SUPPLIES

SEC. 32. The President Transportation Division and the General Secretary-Treasurer shall jointly receive bids and award contracts for printing International and Local supplies, and other necessary printing. All forms provided by such Locals must be submitted for approval before being printed.

All supplies shall be furnished Locals at cost and must bear the imprint of the SMART seal.

All printed matter purchased by the Transportation Division shall bear the union label.

1 **SECTION 33 – OFFICIAL PUBLICATIONS**

2 **SEC. 33.** Official print publications and all electronic media, web, com-
3 munications shall be issued regularly by the Transportation Division
4 which shall be under the business management of the President
5 Transportation Division. The President Transportation Division shall
6 be Editor-in-Chief and employ such editorial and other assistance as
7 necessary. The publications shall be furnished to all active members
8 of the Transportation Division and to widows and retired members
9 who make requests for the print publications, and or electronic media,
10 web, communications, provided they keep the Transportation Division
11 advised as to their correct address. All money for subscriptions shall be
12 paid and credited to the General Fund of the International.

13 The expense of maintaining the publications shall be paid from
14 the General Fund of the International and the amount paid pro-rated
15 quarterly against the various funds of the International on a percent-
16 age basis established by the President Transportation Division. All of
17 the above is in coordination with the General Secretary-Treasurer.

1 **SECTION 34 – ENDORSEMENT OF SOUVENIRS, ETC.**

2 **SEC. 34.** The Transportation Division or Locals shall not endorse
3 articles of merchandise. Locals shall not sell or grant to any person the
4 right to solicit advertisements or issue souvenirs or like objects in the
5 name of SMART and/or the SMART Transportation Division.

6 Locals, subject to prior approval of the President Transportation
7 Division, may issue advertising, programs, time books, or other publi-
8 cations of general interest in the name of the Transportation Division
9 for Local purposes, when properly authorized by the Local(s) inter-
10 ested, providing the net proceeds therefrom go to the Locals making
11 such authorization.

Where two (2) or more Locals are located in the same city or sub-section in which such publications are to be issued, all Locals will be given an opportunity to participate in the project.

All of the above is in coordination with the General Secretary-Treasurer.

SECTION 35 – ORDER OF BUSINESS OF THE TRANSPORTATION DIVISION CONVENTION

SEC. 35.		3
1.	Call to order	4
2.	Invocation	5
3.	Roll call of officers	6
4.	Report of Credentials Committee	7
5.	Announce or display: This meeting is an environment free of discrimination and harassment	8 9
6.	Action on previous day's minutes	10
7.	Communications	11
8.	Reports of officers	12
9.	Reports of committees	13
10.	Unfinished business	14
11.	New business	15
12.	Nominations and elections of officers	16
13.	Installation of officers	17
14.	Closing	18

1 **SECTION 36 – RULES OF ORDER,**
2 **TRANSPORTATION DIVISION CONVENTION**

3 **SEC. 36.** The rules of order for conventions of the Transportation
4 Division shall be Robert’s Rules of Order, Revised, except as otherwise
5 provided in the following rules:

6 These rules may be amended at any regular meeting of the Trans-
7 portation Division by a majority vote of the Delegates present.

- 8 1. The daily sessions of the convention shall begin at 9:00 a.m.
9 and adjourn at 2:00 p.m. Evening sessions may be called
10 by a majority vote of the Delegates to begin at 8:00 p.m.
11 Instead of a roll call, appropriate checks shall be collected
12 from the Delegates as a means of recording attendance.
- 13 2. The convention shall meet daily excepting Saturdays,
14 Sundays, and legal holidays and, for parliamentary
15 purposes, shall be considered to be in continuous
16 session until adjourned on the last day.
- 17 3. The President Transportation Division shall supply each
18 Officer and Delegate with a list of Delegates and standing
19 committees. Proceedings of each day’s meeting shall be
20 printed and shall be distributed the following morning.
- 21 4. Officers and Delegates shall be admitted upon display of their
22 identification badge and will take their seats without ceremony.
- 23 5. No person except Officers and Delegates of the
24 International shall be admitted to the floor reserved
25 for Delegates. Other officers and members of SMART
26 may attend the convention as visitors on presentation
27 of a receipt for current dues or membership card.

6. The President Transportation Division, or in their absence, a Vice President-International Representative designated by the President Transportation Division, shall preside. They may speak to points of order in preference to other Officers and Delegates. They shall decide points of order without debate, subject to appeal by five (5) or more Delegates. No Delegate may speak more than once on such appeal.
7. No main motion shall be debated until it has been scheduled and stated by the presiding officer who may require the motion to be put in writing before it is stated.
8. While in the Committee of the Whole, a Delegate may speak but once on any subject or motion. The maker of a motion may close debate but will not be permitted to speak in excess of five (5) minutes in the exercise of this right.
9. After a question has been decided, any two (2) Delegates who voted with the majority may, at any time during the session, move to reconsider the question. No debate will be permitted on such motions. Should the motion to reconsider be carried, the question at issue may then be debated in the same manner as a new motion.
10. When a question is put, every Delegate in the assembly must vote on it unless excused by a majority vote of the Delegates.
11. Except as provided in Section 6, members of each committee will be appointed by the President Transportation Division. The person named first on a committee shall be the chairperson.
12. A yea and nay vote will be taken on any question when called for by one-third ($\frac{1}{3}$) of the Delegates present.
13. The convention is prohibited from considering proposed constitutional amendments not previously presented to the Constitution Committee.

- 58 14. All constitutional changes recommended by the Constitution
59 Committee and all such proposals printed and distributed to
60 Officers and Delegates will show the current constitutional
61 provision and the proposed change printed on the same
62 sheet in a manner which will permit easy and accurate
63 comparison. Portions of the Constitution which are not
64 involved in amendment proposals will not be read during
65 sessions of the Committee of the Whole and such portions
66 will, therefore, be identified and passed upon by making
67 appropriate references to their number and/or title.
- 68 15. Affirmative action by the Committee of the Whole in
69 rescinding a former action is not subject to a motion
70 to reconsider. If the motion to rescind in a case of this
71 kind fails to carry, a motion to reconsider would be
72 proper but the matter can be acted upon but once.
- 73 16. During debate, the presiding officer will recognize the Delegate
74 first in line before each microphone in series beginning with
75 microphone No. 1, and continuing through the number of
76 microphones on the floor before again recognizing microphone
77 No. 1. Recognition shall be alternated between proponents
78 and opponents on all questions, odd number microphones
79 for proponents, and even numbers for opponents. When a
80 Delegate wishes to speak they shall proceed to one of the
81 microphones. When recognized by the presiding officer,
82 the Delegate shall give their name and Local number.
83 They shall confine remarks to the pending question.

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| 17. If the report of a committee is adopted, the report shall be recorded as concurrence by the convention. If the report fails of adoption, it shall be recorded as non-concurrence. The full report of the committee showing concurrence or non-concurrence on each amendment shall be forwarded to the SMART Constitution Committee for their consideration. | 84
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| 18. The report of the Committee on Transportation Division Officers' Reports will be distributed to Delegates on the first day of the convention. The report will be considered, without reading, as a special order of business on the final day of the convention. | 90
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| 19. Documents of interest to the convention shall be printed in the minutes without being read to the convention. This includes resolutions and other matters which direct themselves to appropriate committees for consideration prior to being brought to the floor of the convention. | 95
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| 20. Reports of the Sick Committee will be printed in each day's minutes. | 100
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| 21. The daily sessions of the convention may be opened with a prayer by a member of the clergy or, in the absence of same, by a Delegate. | 102
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| 22. The General Secretary-Treasurer may advance travel allowances and per diem payments to Delegates upon request without approval of the convention. | 105
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| 23. While in the Committee of the Whole, a motion to stop debate shall apply only to the specific subject then under debate. | 108
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| 24. Election of Transportation Division officers will commence not later than the first order of business on the second day of the convention. | 110
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113 25. When electing Transportation Division officers, the following
114 rules will apply: Where an individual officer or position is
115 involved, and no candidate receives a majority of legal votes
116 cast on the first ballot, where there are three (3) candidates
117 on the ballot, the candidate receiving the lowest number of
118 votes will be dropped on the second ballot. Where there are
119 more than three (3) candidates on the ballot, all candidates
120 except the top three (3) will be dropped. If no candidate
121 receives a majority of legal votes cast on the second ballot,
122 the candidate receiving the lowest number of votes will
123 be dropped on the third ballot. The balloting will continue
124 until one of the candidates receives a majority of legal votes
125 cast. In placing the names of candidates on ballots or voting
126 machines, the names of incumbent officers shall appear first,
127 with the names of other candidates following in alphabetical
128 order. When elections are run simultaneously no member
129 may be a candidate for more than one office or position.

130 In addition to the foregoing, the following procedure will govern the
131 election of Transportation Division officers:

132 After the election of the President Transportation Division, the
133 National Legislative Director will be elected. Nominations will be
134 accepted for Vice Presidential-International Representative positions
135 1 through 8, until there are four contested positions after which an
136 election shall be conducted. In other words, it is contemplated that
137 contested Vice President-International Representative positions will
138 be elected simultaneously in groups of four (4), until all Vice Presi-
139 dent- International Representative positions are filled. From among
140 the elected Vice President-International Representatives, an election
141 will be held to select the successor to the President Transportation
142 Division in the event a vacancy occurs between Conventions.

The Alternate National Legislative Director shall be elected next. 143
 Alternate Vice President-International Representatives shall be 144
 elected as follows – the Alternate Bus Vice President-International 145
 Representative in the Eastern Territory and the Alternate Vice 146
 President-International Representative in the Western Territory shall 147
 be elected simultaneously. The remaining six (6) Alternate Vice Presi- 148
 dents, positions 1 through 6, shall be elected simultaneously. 149

The Board of Appeals will be elected next — (six (6) members). One 150
 (1) member from engine service, position one; one (1) member from 151
 road train service, position two; one (1) member from yard train service, 152
 position three; one (1) member from Commuter Authorities, position 153
 four; one (1) member from the Bus Department, position five; and one 154
 (1) member from the Aviation Department. 155

26. When an election for a particular office or board 156
 is commenced, the same must be completed 157
 before the convention adjourns for the day. 158

27. Transportation Division officers listed in Section 2(A) may speak 159
 but shall have no vote in Transportation Division Convention. 160

SECTION 37 – PRINTING AND DISTRIBUTION 1
OF CONSTITUTION 2

SEC. 37. Copies of the SMART Constitution shall be furnished to all 3
 members of the Transportation Division. The most current SMART 4
 Constitution shall be made available to all members via electronic 5
 media, the SMART web page. 6

SECTION 38 – SAVING CLAUSE 1

SEC. 38. The President Transportation Division, with the approval of 2
 the Board of Directors and jointly with the General President, may 3
 take such action as may be deemed necessary to meet situations not 4

5 covered in Article 21B in order to protect the interest of the member-
6 ship and the Transportation Division.

7 See Article Thirty-Four (34), Section 1 as though contained herein.

1 SECTION 39 – LOCALS

2 **SEC. 39.** Employees in transportation service, other fields of employ-
3 ment, trades and industries, whether public or private employees,
4 desiring to organize a Local shall request an official application from
5 the General Secretary-Treasurer. The application must be accompanied
6 by a fee of Fifty Dollars (\$50.00) to cover the cost of necessary supplies
7 for the Local. Upon receipt, the General Secretary-Treasurer will for-
8 ward the application to the President Transportation Division for their
9 review and recommendation to the General President.

10 Should the application be favorably considered by the General
11 President, the General Secretary-Treasurer shall issue a charter, prop-
12 erly signed under official seal, and forward to the person designated.
13 Upon notification by the General President, the President Transpor-
14 tation Division will direct an officer of the Transportation Division to
15 organize the Local and install the elected officers in accordance with
16 this Constitution.

17 Bylaws for their special government, which do not conflict with this
18 Constitution, shall be adopted, subject to the approval of the General
19 Secretary-Treasurer.

20 The General President shall assign each Local a number and thereaf-
21 ter it shall be known as "International Association of Sheet Metal, Air,
22 Rail and Transportation Workers (SMART) Local Union No. ____."

1 SECTION 40 – JURISDICTION AND AUTHORITY

2 **SEC. 40.** The jurisdiction of Locals shall be that which existed on the
3 date of unification. Changes in jurisdiction may be recommended by
4 the President Transportation Division after giving the interested Gen-
5 eral Chairperson an opportunity to file recommendations regarding

the matter. Changes in jurisdiction are made by the General President
 subject to the above. The Local shall have jurisdiction over all mem-
 bers of the Transportation Division employed under its jurisdiction.

The decision of a Local on all matters within its authority shall be
 final, unless appealed and reversed.

Jurisdiction and authority shall not extend to the transfer of
 members from one Local to another Local to result in any Local of
 twenty-five (25) or more members being closed. Henceforth the Gen-
 eral President shall not make changes in jurisdiction of Locals which
 would result in closing a Local whose membership is twenty-five (25)
 or more members.

A Local may discipline its members for misconduct or violation of
 their obligation.

SECTION 41 – MEMBERSHIP

SEC. 41. Any person of good moral character who is employed in a craft
 or vocation, whether public or private employment, represented by the
 Transportation Division is eligible to membership.

To gain admission or readmission, an applicant must execute and
 file with the Local Treasurer an official application for membership
 which must be accompanied by cash, check, or money order to cover
 one month's dues and assessments.

No application for admission or readmission shall be accepted by the
 Treasurer or considered in any manner until three (3) members of the
 Local have signed the same certifying that to the best of their belief the
 applicant is of good moral character and if admitted to membership in
 SMART will be a worthy member. Upon receipt of a properly executed
 application accompanied by the required dues and assessment, the
 Local Treasurer will issue to the applicant an official receipt and will
 promptly forward to the General Secretary-Treasurer the completed
 application, together with the required dues and assessments. The Local

18 Treasurer will report at each meeting all admissions and readmissions
19 occurring subsequent to the last meeting of the Local.

20 The official membership application form will include the following
21 statement which will be subscribed to, and signed by, the applicant in
22 the presence of an officer or member of the Local who shall witness the
23 applicant's signature and certify by signature that they have done so:

24 "I pledge my honor to faithfully observe the Constitution and Laws
25 of the International Association of Sheet Metal, Air, Rail and Trans-
26 portation Workers, including the bylaws of my Local; to comply with
27 the rules and regulations for the government of the International
28 Association of Sheet Metal, Air, Rail and Transportation Workers; not
29 to make known to outsiders any private proceedings of the Inter-
30 national Association of Sheet Metal, Air, Rail and Transportation
31 Workers; to faithfully perform all the duties assigned to me to the
32 best of my ability and skill; to so conduct myself at all times as not to
33 bring reproach upon my union and at all times bear true and faithful
34 allegiance to the International Association of Sheet Metal, Air, Rail
35 and Transportation Workers."

1 SECTION 42 – CONTINUOUS MEMBERSHIP

2 **SEC. 42.** Continuous membership in the former Order of Railroad
3 Conductors and Brakemen, Brotherhood of Locomotive Firemen and
4 Enginemen, Brotherhood of Railroad Trainmen, Switchmen's Union
5 of North America, or Railroad Yardmasters of America in addition to
6 service in the Merchant Marine during a national emergency and any
7 military service together with continuous membership in the United
8 Transportation Union will be combined to compute total continuous
9 membership in SMART.

1 SECTION 43 – MEMBERSHIP CARDS

2 **SEC. 43.** Members of the Transportation Division, upon written request
3 to the Treasurer of their Local during the month of December, will be

furnished a membership traveling card for the following year. Such cards shall bear the number and seal of the Local, and the signature of the President and Treasurer of the Local. The title, if any, and the continuous membership record of the member shall also be shown thereon.

Members totally disabled or having twenty (20) years' continuous membership as provided in Section 42 and retired from transportation service will be given a gold embossed card indicating life membership in the United Transportation Union, now SMART. Such members shall be entitled to attend Local meetings.

SECTION 44 – AUTHORITY TO REPRESENT

SEC. 44. Every member of SMART grants complete authority to SMART and any of its constituted representatives to act in said member's behalf for the purpose of disposing, in any manner, of any and all of said member's claims, complaints, or grievances against their employer; and to submit such claims, complaints, or grievances for determination to any person, board, or other tribunal provided by law or otherwise as may be deemed to be necessary. The Organization shall have authority to receive notice of hearings, or to waive hearing, and to appear for, represent, and act for its members before any person, board, or other tribunal in connection with consideration and determination of claims, complaints, or grievances, subject to the right of appeal in accordance with the provisions of this Constitution, except where the member involved serves reasonable written notice on the Organization to the contrary.

Decisions reached disposing of or settling claims, complaints, and grievances referred to herein shall be furnished in writing, within thirty (30) days after such decision, to the Local Chairperson and Secretary of the Local submitting such claims, complaints, and grievances.

1 **SECTION 45 – DUTIES OF MEMBERS**

2 **SEC. 45.** Members of the SMART Transportation Division are obligated
3 to pay all dues and assessments promptly, to attend all meetings of
4 their Local where reasonably possible to do so, to faithfully observe
5 the provisions of the Constitution of the International and the bylaws
6 of the Local, to keep from outsiders the private proceedings of SMART,
7 to faithfully perform all the duties assigned to them to the best of
8 their ability and skill, and to so conduct themselves at all times as not
9 to bring reproach upon SMART. Members who are found to be in viola-
10 tion of these duties are subject to reprimand, suspension, or expulsion,
11 as their Local may determine, following a trial conducted in strict
12 compliance with Section 74 of Article Twenty-One B (21B).

1 **SECTION 46 – VISITING MEMBERS**

2 **SEC. 46.** Visiting members of SMART shall be admitted to Local meet-
3 ings upon presentation of an official receipt for the current month's
4 dues or life membership card. In case the identity of the visiting mem-
5 ber is not known, further proof of membership may be required.

1 **SECTION 47 – TRANSFER OF MEMBERS**

2 **SEC. 47.** (a) In the event the charter of a Local is revoked or surren-
3 dered, the members shall be transferred to a Local having jurisdiction
4 over their current employment. The Local having jurisdiction will be
5 designated by the President Transportation Division, subject to review
6 by the General President, and such members will be transferred on the
7 date such revocation or surrender is effective.

8 (b) Following the date of unification, members in active service
9 must become members and maintain membership in the Local having
10 jurisdiction over the craft in which assigned on the seniority territory
11 on which employed. Thereafter, if a member is assigned to another
12 craft under the jurisdiction of another Local for a period in excess of

ninety (90) days, the Treasurer of the Local with which the member is affiliated shall, upon receipt of written request from the Treasurer of the Local under whose jurisdiction the member is working, issue a transfer certificate for the member.

Nothing in this section shall prohibit a member from voluntarily transferring to another Local in less than (90) days provided they are working under the jurisdiction of that Local.

(c) Notwithstanding the foregoing, and in circumstances in which two (2) or more Locals have identical jurisdiction, a member may, upon written request, transfer their membership from one such Local to the other.

(d) General Chairpersons, Local Presidents, Local Vice Presidents, Local Chairpersons, First Vice Local Chairpersons, Secretary and Treasurers, Trustees and Legislative Representative, shall not be subject to the aforementioned transfer requirements.

(e) Transfer certificates will be in the form prescribed by the General Secretary-Treasurer and completed in quadruplicate by the Local Treasurer, forwarding the original to the Local requesting the transfer, the second copy to the General Secretary-Treasurer, the third copy to the member being transferred, and retaining the fourth copy for their records. Upon the completion of this transaction, the member will be obliged to pay dues and assessments, effective on the first day of the following month, to the Local to which transferred.

(f) Members required to transfer from one Local to another Local in the application of this Section may continue to participate in any benefit program in which they were participating at the time of said transfer, provided such member continues to remit the necessary payment for said benefits.

SECTION 48 – LOCAL FUNDS 1

SEC. 48. Each Local shall maintain a Local fund to pay the expenses of the Local, by levying Local dues on all in-service members. The 2
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4 amount of Local dues shall be established by the members present,
5 voting by secret ballot, when the Local is organized.

6 No change in Local dues, the daily rate or salary established for
7 Local officers or Legislative Representatives, or the levying of a special
8 assessment, may be considered by a Local until notice of such prop-
9 osition has been read at one (1) regular or special meeting and all
10 members have been notified of the proposition and date on which
11 the proposition will be considered. Any proposition to change Local
12 dues, the daily rate, or salary established for Local officers or Legisla-
13 tive Representatives, or the levying of a special assessment, must be
14 approved by a majority vote of the members, voting by secret ballot, in
15 attendance when the proposition is considered.

16 Each Local shall maintain a Local Committee fund to pay the cost of
17 representation by the Local Committee of Adjustment by levying Local
18 Committee dues, as established by the members present under its juris-
19 diction, voting by secret ballot, when the committee is established.

20 No change in Local Committee dues, the daily rate or salary
21 established for Local Committeepersons, or the levying of a special
22 assessment may be considered until such proposition has been read
23 at one (1) regular or special meeting and all members working under
24 the jurisdiction of the Local Committee have been notified of the
25 proposition and date on which the proposition will be considered.
26 Any proposition to change Local Committee dues, daily rate or salary
27 of Local Committeepersons, or to levy a special assessment must be
28 approved by a majority vote of the members working under the juris-
29 diction of the Local Committee involved, voting by secret ballot, who
30 are in attendance when the proposition is considered.

31 The effective date of any increase in Local, Local Committee of
32 Adjustment dues, or special assessments must coincide with the
33 requirements of any checkoff of Union Dues Agreement in effect.

SECTION 49 – PAYMENT OF DUES AND ASSESSMENTS

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SEC. 49. The dues and assessments of members shall be paid in advance, before the first day of the month in which they are due. Any member who fails to pay their dues and assessments within the time provided shall be suspended without notice or further action.

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No member shall be considered in arrears for dues and assessments when their employer has withheld from their pay money for such dues and assessments, pursuant to a dues check-off agreement, and the employer has delayed or defaulted payment to the Local.

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A member who for any reason, including sickness and disability, is not engaged in transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, now SMART, holds the contract, or in the service of the Transportation Division for a full calendar month (excluding their vacation) shall, upon submitting to the General Secretary-Treasurer and the Local Treasurer written request on the prescribed form, be relieved from the payment of all dues and assessments for subsequent calendar months until they again return to transportation service, other fields of employment, trades, and industries, whether in public or private employment where the United Transportation Union, now SMART, hold the contract, or service with the Transportation Division. Such member will promptly report to the Local Treasurer their date of return to active service with the employer and will be obligated to pay full dues and assessments beginning with the first month thereafter.

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During the period in which members request relief and are relieved from the payment of dues and assessments in accordance with this Section, they shall continue to enjoy all privileges of membership, except they shall not be permitted to vote in elections or on any other subject involving grievances, hours or mileage limitation, or other

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31 methods of work distribution, unless allowed to vote by virtue of Local
32 bylaws in Local matters only.

33 The Local Treasurer, in cooperation with the Local President and
34 the Local Chairperson involved, will maintain a close check of the
35 roster of members who are relieved from the payment of full dues and
36 assessments under the provisions of this Section with a view towards
37 avoiding the abuse of this privilege. In addition, the Local Treasurer
38 will, at each regular meeting of the Local, read for the benefit of mem-
39 bers present the roster of members who have been excused from the
40 payment of full dues and assessments.

41 Where the reason for a member not being engaged in transportation
42 service, other fields of employment, trades, and industries, whether in
43 public or private employment where the United Transportation Union,
44 now SMART, holds the contract, or in the service of the Transportation
45 Division is sickness or disability, the Local, upon receipt of written
46 request from the member, may by majority vote of the members
47 present at any regular meeting, authorize the Local Treasurer to pay
48 the member's remaining dues and assessments for such period as the
49 Local might determine. The written request shall be a condition prece-
50 dent to the member's rights under this paragraph.

51 Dues and assessments advanced for the benefit of sick or disabled
52 members under the foregoing paragraph represent a loan to the mem-
53 ber. The Local shall designate a date on or before which the amount
54 advanced should be repaid. If repayment is not made within the time
55 specified, the member shall be suspended for non-payment of dues.

56 It shall be the duty of the members to keep the Local Secretary and
57 Treasurer advised of their current home address.

1 SECTION 50 – SUSPENSIONS

2 **SEC. 50.** A member suspended for improper conduct shall, at the expi-
3 ration of the time for which the member was suspended, be reinstated
4 but shall not be required to pay dues and assessments accrued during

the suspension. Should the member be accused of improper conduct during the suspension, the member shall be liable to charges.

SECTION 51 – READMISSION

SEC. 51. A member, as defined under Section 41, who has been suspended for non-payment of dues or assessments may be readmitted upon application on proper form and the payment of all money due up to the date of their suspension, plus dues and assessments for the current month and a reinstatement fee of One-Dollar (\$1.00). Where less than one calendar month has elapsed, no reinstatement fee will be required. A member expelled for causes other than non-payment of dues or assessments shall not be readmitted in less than six (6) months. A member expelled upon charges ordered by a convention, or one who was expelled for defrauding a Local, shall secure a dispensation from the President Transportation Division before presenting application for readmission.

SECTION 52 – REGISTERS

SEC. 52. Locals shall maintain a register showing the name, address, and employment of their members.

Locals shall also maintain an attendance register and require that every member who attends Local meetings personally register their name and Local number therein.

Local Secretaries shall be responsible for the maintenance of accurate registers by their Local.

SECTION 53 – RIGHTS AND BENEFITS

SEC. 53. Except as otherwise provided in this Constitution, no member shall be entitled to any of the rights or benefits of SMART, unless dues and assessments are paid within the time specified herein.

the members and the President Transportation Division, a Local may
take action to change the place and time of meeting in the same town
or city in accordance with its bylaws.

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

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

SECTION 56 – OFFICERS AND LOCALS

SEC. 56. The elective officers of a Local shall consist of a President,
Vice President, Secretary and Treasurer, and a Board of Trustees
consisting of three (3) members. By action of a Local, the office of
Secretary and Treasurer may be separated and elections held to fill
each office. A Local having fifty (50) or more members may create the
office of Collector.

The President of the Local may appoint officers consisting of
guards, committees, and stewards as necessary to conduct the func-
tions of the Local.

Stewards will be responsible for the interchange of information and
communication between Local officers and the membership. They shall
not be vested to act with any authority reserved to elected officers.

The elective and appointed officers shall serve for a period of three
(3) years or until their successors assume office. No member may fill
more than one (1) of these elective offices at the same time.

The Secretary shall prepare ballots showing the names of all candidates and the offices for which they are nominated. 31
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Incumbent officers shall appear first with names of other candidates following in alphabetical order. 33
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The ballots shall be prepared so as to provide a square opposite each candidate's name in which the voter can mark their preference of candidates. 35
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In Locals having more than one Local Committee of Adjustment for different crafts, the Secretary will provide a separate ballot for all eligible voters of each craft working under the jurisdiction of the committee involved. 38
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When voting by mail referendum, the ballot shall be mailed by government first-class mail to each member eligible to vote in envelopes bearing a return address the same as the Post Office address on the "Ballot" envelopes. Ballots shall be mailed at least fifteen (15) days prior to the date set to tabulate the ballots, together with a leaflet containing voting instructions, an envelope marked "A", and a stamped envelope marked "Ballot" addressed to the Secretary in care of the postmaster for mailing by the voter. 42
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The leaflet containing voting instructions shall contain the following: 50

"Instructions for voting by mail: The voter will make a mark in the square of their choice, fold, and place the ballot in the envelope marked 'A' and seal. Place sealed envelope 'A' in envelope marked 'Ballot' and seal. Place name and address in upper left-hand corner of envelope marked 'Ballot' and mail. Do not place any mark of identification on the ballot or the envelope marked 'A' that would destroy the secrecy of the ballot." 51
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The Secretary shall arrange with the postmaster for a post office box. The key or combination of such box shall remain in possession of the postmaster. Such arrangement shall be confirmed by letter. 58
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On the day set for the tabulation of the ballots and election, the President will appoint three (3) Tellers. A copy of the letter confirming 61
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63 the arrangement with the postmaster will be furnished the Tellers
64 which will authorize the postmaster to deliver the content of the box
65 to the Tellers at a given hour.

66 The Tellers shall return to the Local and canvass the ballots. They will
67 check the names on the envelopes marked "Ballot" against the list of
68 eligible voters furnished by the Secretary, open the envelopes marked
69 "Ballot," and remove the envelopes marked "A." After all envelopes
70 marked "Ballot" have been opened, and emptied, the envelopes marked
71 "A" shall be opened, ballots removed, and canvassed by the Tellers. The
72 results shall be reported to the President of the Local in writing.

73 The candidate receiving a majority of the votes cast for a given office
74 shall be declared elected. If no one (1) of the candidates for a given
75 office receives a majority of the votes cast, another ballot shall be sub-
76 mitted to all eligible voters upon which shall appear only the names of
77 the two (2) candidates receiving the highest numbers of votes cast for
78 that office. If any number of the candidates for a given office are tied
79 for the highest number of the votes cast, another ballot shall be sub-
80 mitted to all eligible voters upon which shall appear only the names
81 of the candidates receiving the highest number of votes cast for that
82 office. If one (1) candidate receives the highest number but that num-
83 ber does not constitute a majority of the votes cast for a given office
84 and any number of candidates are tied for the second highest number
85 of votes cast, another ballot shall be submitted to all eligible voters
86 upon which shall appear only the name of the candidate receiving the
87 highest number and the names of the candidates receiving the second
88 highest number of the votes cast for that office.

89 The Board of Trustees shall be elected by a majority of the ballots cast.

90 The Secretary will keep all election records for one (1) year, including
91 used, unused and void ballots, eligibility list, tally sheets, and "ballot"
92 envelopes used to mail in marked ballots.

When only one (1) nomination has been received for an office, the member so nominated will be declared elected on the day set for the tabulation of ballots and election.

In the event of a permanent vacancy in any office, the Local shall proceed to fill the vacancy in accordance with the bylaws of the Local or as provided in this Section; except the Vice President shall succeed to the office of President, the Alternate Legislative Representative shall succeed to the office of Legislative Representative, and the Alternate Delegate shall succeed to the office of Delegate.

In elections of Local Committees of Adjustment, only members in service under the jurisdiction of such committee will be notified of such election and permitted to file or sign nominating petitions and vote.

Locals failing to complete their regular elections during the month of November must notify the President Transportation Division the reason therefor and the date set for the completion of the election.

Locals must, following each election of officers or succession to office, promptly notify the President Transportation Division, General Secretary-Treasurer, interested General Chairpersons, State and District Legislative Boards of the names and addresses of the new officers.

Local Officers, Committeepersons, Legislative Representatives and Delegates upon leaving office must promptly transfer all property, funds, securities, equipment and other effects of their office to their successor. Any member failing to comply with the provisions of this paragraph shall be suspended from membership in SMART.

Candidates may have observers present during the counting and tallying process, including the tallying of the ballots, totaling, recording, and reporting of tally sheets. In a mail ballot election, candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening, and counting.

1 **SECTION 58 – INSTALLATION OF LOCAL OFFICERS**

2 **SEC. 58.** The elective and appointive officers enumerated in Section 56
3 shall be installed as soon as possible following their election and
4 shall assume their duties on January 1 or as soon thereafter as they
5 are installed.

6 They must present themselves at a regular or special meeting for
7 installation within sixty (60) days following their election or appoint-
8 ment and failing to do so, their office will be declared vacant.

9 Where a vacancy is filled in an interim election, the successful candi-
10 date will assume the duties of such office immediately upon installation.

11 The installation ceremony shall be performed by the ranking or the
12 most recent Past President, or if no Past President is available, by a
13 member named by the officer presiding at the meeting. The officers to
14 be installed will be called before the installing officer who will read the
15 following obligation:

16 “Do you hereby pledge on your honor to perform the duties of
17 your respective offices as required by the International Association
18 of Sheet Metal, Air, Rail and Transportation Workers’ Constitution; to
19 bear true and faithful allegiance to the International Association of
20 Sheet Metal, Air, Rail and Transportation Workers and with complete
21 good faith to support, advance, and carry out all official policies of
22 the International Association of Sheet Metal, Air, Rail and Transpor-
23 tation Workers; to deliver to your successor all books, papers, and
24 other property of the International Association of Sheet Metal, Air,
25 Rail and Transportation Workers that may be in your possession at
26 the end of your term of office; and at all times conduct yourself as
27 becomes a member of the International Association of Sheet Metal,
28 Air, Rail and Transportation Workers?”

29 The officers being installed shall respond:

30 “I do.”

31 The installing officer shall then say:

“Your duties are defined in the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers and in the bylaws of this Local. Should an emergency arise which is not covered by these laws, you are expected to exercise good judgment and common sense in order to advance the best interest of the International Association of Sheet Metal, Air, Rail and Transportation Workers.

“You will now assume your respective stations.”

SECTION 59 – DUTIES OF THE LOCAL PRESIDENT 1

SEC. 59. The President shall preside at all meetings of the Local, enforce the provisions of this Constitution and the bylaws of the Local, and exercise general supervision over its affairs. The President shall decide all questions of law and order, subject to appeal to the Local by any two (2) members. They shall appoint a majority of all committees and shall sign all documents that require authentication.

The President shall see that the Local officers respond to inquiries from the International and shall, with the Secretary and/or Treasurer, file all reports required of Locals by Federal, State or local laws, and countersign all disbursements issued by check or draft.

The President may speak on any subject before the Local but they may not vote except, in case of a tie vote, on a matter upon which they are otherwise eligible to vote shall cast the deciding ballot.

SECTION 60 – DUTIES OF THE LOCAL VICE PRESIDENT 1

SEC. 60. The Vice President shall assist the President in the discharge of their duties and preside at meetings in the absence of the President. They shall appoint a minority of all committees and, if the President’s office becomes vacant, shall discharge the duties and assume the responsibilities of the President for the remainder of the term.

1 **SECTION 61 – THE LOCAL PAST PRESIDENT**

2 **SEC. 61.** When a Local President has completed their term of office
3 and a successor has been installed, they shall become the ranking
4 Past President of the Local and shall serve as such until succeeded.
5 They shall thereafter be a Past President according to the regular
6 order of succession.

1 **SECTION 62 – DUTIES OF THE LOCAL PAST PRESIDENT**

2 **SEC. 62.** The Past President shall install the officers of the Local and,
3 in the absence of the President and Vice President, shall preside at
4 Local meetings.

1 **SECTION 63 – DUTIES OF THE LOCAL SECRETARY**

2 **SEC. 63.** The Secretary shall keep an accurate record of all proceedings,
3 receive all communications, conduct the correspondence, and shall have
4 charge of the seal and records of the Local. They shall notify all officers
5 of their election or appointment and shall notify other Locals of action
6 taken by their Local which might affect, interest, or concern them.

7 The Secretary shall notify the General Secretary-Treasurer of all
8 changes in the time and place of meetings and prepare, sign, and affix
9 the seal to all documents requiring their official signature as provided
10 by the Constitution and bylaws of the Local.

11 They shall see that all notices required regarding elections and levy-
12 ing of assessments are sent in accordance with Article Twenty-One B
13 (21B). The Secretary shall perform the duties of the Treasurer in Locals
14 that do not provide for the separation of the offices of Secretary and
15 Treasurer and shall, with the President and Treasurer, file all reports
16 required by Federal, State, or local laws.

SECTION 64 – DUTIES OF THE LOCAL TREASURER

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SEC. 64. The Treasurer shall receive all money due to be collected by the Local and give their receipt for the same. Where a Local maintains the office of Collector, the provisions of Section 65 will apply. The Treasurer shall hold and keep secure all Local funds and shall be bonded as provided in Section 71 of Article Twenty-One B (21B). They shall sign all papers requiring their signature and perform other duties required by Article Twenty-One B (21B) and the bylaws of the Local. They shall keep an accurate account for all receipts and expenditures of the Local on forms provided for that purpose. These records shall be open at all times for inspection and audit by officers of the International or their representatives.

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

During the month of January of each year, the Treasurer shall submit to the Board of Trustees a report in duplicate, on the form prescribed for that purpose, showing all receipts and disbursements of the Local for the preceding year. The Board of Trustees will promptly audit the books and, if the Treasurer’s report is found to be correct and the cash on hand or its equivalent has been verified, the Board members shall sign and submit the report to the first regular meeting of the Local following the audit. A copy of the signed report shall then be sent to the General Secretary-Treasurer by the Board of Trustees.

The Treasurer shall be a member of all Local Committees which receive or disburse money. When Local action is taken approving the disbursement of funds which in the opinion of the Treasurer is in violation of provisions of this Constitution or the Local’s bylaws, they shall

32 withhold payment for a period not to exceed thirty (30) days and report
33 the matter at once to the President Transportation Division. The Trea-
34 surer will then be governed by the President Transportation Division's
35 instructions regarding the expenditure involved, subject to appeal.

36 The Treasurer shall notify the Treasurer of another Local when they
37 have knowledge that a member of their Local is employed under the
38 jurisdiction of the other Local.

39 It shall be the responsibility of the Treasurer to credit dues and
40 assessments paid to the appropriate Local Committee of Adjustment
41 and General Committee of Adjustment accounts of their Local in
42 accordance with the provisions of Article Twenty-One B (21B).

43 The Treasurer shall, with the President and Secretary, file all reports
44 required by Federal, State, and local laws.

1 SECTION 65 – DUTIES OF THE LOCAL COLLECTOR

2 **SEC. 65.** The Collector shall receive all money due the Local and
3 will give receipt therefore. They shall, prior to the first day of each
4 month, report to the Local Treasurer on the required forms all
5 money received during the current month and shall pay to the Local
6 Treasurer the amount so collected. Their records shall be open at
7 all times for inspection and audit by officers of the International or
8 their representatives. They shall be bonded as provided in Section 71
9 of Article Twenty-One B (21B).

1 SECTION 66 – DUTIES OF LOCAL 2 LEGISLATIVE REPRESENTATIVES

3 **SEC. 66.** (a) Local Legislative Representatives shall attend all meetings
4 of their State or District Legislative Board. They shall report to their
5 Locals regarding the handling of all alleged unsafe or unsanitary
6 working conditions found to exist, or reported to them, within their
7 jurisdiction. They shall undertake to correct such conditions through
8 appropriate measures consistent with the local and national policies

of the Transportation Division. If they are unable to correct the
 alleged unsafe or unsanitary working conditions, they will so report
 to the President Transportation Division and the National Legislative
 Director regarding Federal matters and to the State or District Legis-
 lative Director regarding State or District matters. They shall urge all
 members of the Transportation Division to qualify and vote in all elec-
 tions. When called upon, they shall give all possible assistance to the
 President Transportation Division, National Legislative Director, State
 or District Legislative Director, and the officers of the State or District
 Legislative Boards, subject to the supervision of the Local.

SECTION 67 – DUTIES OF THE LOCAL BOARD OF TRUSTEES

SEC. 67. The Local Board of Trustees shall supervise the financial affairs
 of the Local. Upon approval by the Local, the Board shall also have the
 authority to rent, lease, or purchase property, office equipment, or nec-
 essary supplies. Additionally, the Board shall assure that the Treasurer
 and other Local officers are bonded as required by Section 71.

The Board shall meet in the month of January of each year for the pur-
 pose of auditing the annual report of the Treasurer and verifying bank
 balances and cash on hand. If the Treasurer’s annual report is found to be
 correct, the Board members shall endorse the report with their signatures,
 furnishing copies to the Local and the General Secretary-Treasurer.

**SECTION 68 – LOCAL ELECTIVE OFFICE
 OR POSITION DECLARED VACANT**

SEC. 68. If any elected officer, Legislative Representative or Commit-
 teeperson of a Local becomes negligent in the performance of their
 duties and responsibilities as a Local representative, the Local may,
 after due deliberation, take action to notify them to appear at a desig-
 nated meeting and show cause why their office or position should not
 be declared vacant. The notice must be in writing and will fully specify
 the complaints they will be required to answer. If they fail to respond

10 to the notice or if the explanations offered for their negligence are
11 unsatisfactory, the Local may, by majority vote of the members
12 involved, present at the meeting, declare their office or position vacant,
13 unless they invoke the trial procedure as set forth in Section 74 within
14 fifteen (15) days from the date of the aforementioned notice.

1 **SECTION 69 – LOCAL APPOINTIVE**
2 **OFFICE DECLARED VACANT**

3 **SEC. 69.** If any appointed officer or committeeperson is negligent in
4 performing their duties as a Local representative, the President of the
5 Local may declare the office vacant and appoint a successor at any
6 regular meeting.

1 **SECTION 70 – VACATIONS – LOCAL OFFICERS**
2 **AND COMMITTEEPERSONS**

3 **SEC. 70.** Officers and Committeepersons employed by their Locals on a
4 full-time basis shall be granted vacation with pay, consistent with the
5 terms of the National Vacation Agreement, based upon earnings from
6 their Local. Such vacations may be split but will not be carried over
7 from one year to the next. Officers and Committeepersons employed
8 by their Locals on a part-time basis shall be paid the difference
9 between the amount of vacation pay allowed by their carrier and the
10 amount of vacation pay they would have received had their wages
11 with the Local been earned with the carrier. However, if they do not
12 work a sufficient amount of time with their carrier to qualify for a
13 vacation, they shall be allowed a vacation with pay, consistent with
14 the terms of the National Vacation Agreement, based upon their total
15 earnings with the carrier and the Local.

16 Vacation allowances provided herein shall be paid by the Treasurer
17 from the appropriate Local funds within ten (10) days after receipt of
18 the vacation claim. This Section is intended to prevent any loss in vaca-
19 tion time and pay as a result of serving the Local.

SECTION 71 – BONDING OF LOCAL OFFICERS

SEC. 71. For bonding see Article Five (5), Section 1 (c).

If a shortage in Local funds is found to exist or there is evidence that a shortage may exist, immediate notice with details and a statement of the evidence must be sent to the General Secretary-Treasurer by the President, Secretary, or other officers of the Local having such knowledge.

Auditors of the International will audit local records in such cases and attempt to collect any shortage that may exist.

SECTION 72 – SURPLUS ASSETS OF LOCALS

SEC. 72. A Local may deposit surplus assets with the International. Locals making such deposits shall be responsible for the pro rata share of expenses incidental thereto.

The General Secretary-Treasurer shall be the custodian of such assets deposited. The deposits shall be placed in a suitable safety deposit box. At least two (2) members of the General Executive Council shall be present when assets are deposited or the deposit box is opened.

The General Secretary-Treasurer shall maintain a record of the deposits and attend to the collection of any income due thereon and remit same to the Local involved.

Assets deposited with the International must be shown by the Treasurer as part of the balance on hand to the credit of the Local. Deposits may be withdrawn at any time upon submitting to the General Secretary-Treasurer a resolution adopted by Local action, signed by the President and Treasurer, and bearing the Local seal.

SECTION 73 – REVOKING OR SURRENDERING LOCAL CHARTERS

SEC. 73. The charter of a Local may be revoked by recommendation of the President Transportation Division, with approval of the General

5 President in accordance with Article Three (3), Section 2(d), for any of
6 the following reasons:

- 7 1. Improper conduct.
- 8 2. Neglecting or refusing to conform to the provisions
9 of this Constitution or the Local's bylaws.
- 10 3. Neglecting or refusing to make required returns and reports.
- 11 4. Neglecting or refusing to hold at least one (1)
12 regular meeting each month.
- 13 5. Neglecting or refusing to elect and install a successor
14 to an officer who was removed from office.
- 15 6. Neglecting or refusing to bring an officer or member
16 to trial when directed to do so by the General
17 President and President Transportation Division.

18 No charter can be revoked until the President Transportation Divi-
19 sion has given at least thirty (30) days' written notice to the President
20 and Secretary of the Local and the interested General Chairpersons
21 of their intention to revoke the charter and a Transportation Division
22 officer, or International Representative, has attended a designated
23 regular meeting of the Local for the purpose of investigating the
24 matter and giving the officers and members of the Local an opportu-
25 nity to be heard.

26 A Local whose charter has been revoked shall be known as a defunct
27 Local. All property, funds, and securities of a defunct Local shall
28 automatically be vested in the Local(s) into which its members are
29 transferred, on a pro rata basis, as of the date the charter is revoked.
30 The President Transportation Division, subject to review by the
31 General President and after consultation with the interested Gen-
32 eral Chairpersons, State or District Chairpersons, shall designate the
33 Local(s) into which the defunct Local's members will be transferred

consistent with such changes in jurisdiction as might become necessary as a result of closing the Local. 34
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The officers of a defunct Local shall deliver to the General Secretary-Treasurer, within thirty (30) days after its charter is revoked, all required items under Article 10, Section 10. Local officers who fail to comply with the provisions of this paragraph shall be suspended from membership in SMART. 36
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An expelled or suspended member whose Local is defunct may file application for admission into the Local then holding jurisdiction over their employment. Such application shall be treated and progressed as if it were an application for readmission under the provisions of Section 51 of Article Twenty-One B (21B). 41
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Any Local wishing to surrender its charter may do so by majority vote of the members and shall notify the President Transportation Division, who will with approval of the General President, appoint a responsible representative to take full charge of the charter and all property of the Local for disposition in accordance with this Section. 46
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SECTION 74 – CHARGES AND TRIALS – OFFICERS, COMMITTEEPERSONS, AND MEMBERS OF LOCALS, GENERAL COMMITTEES OF ADJUSTMENT AND LEGISLATIVE BOARDS 1
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SEC. 74. (a) Charges may be preferred against a Local officer, Committeeperson, or member for failure to fulfill the obligations and responsibilities imposed upon them by Article Twenty-One B (21B). Charges not covered under Article Twenty-One B (21B) and charges which could be brought under Article Twenty-One B (21B) and Article Seventeen (17) will be processed under the provisions of Articles Seventeen (17) and Eighteen (18). 5
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Charges must be made in writing and shall clearly specify the alleged offense(s) together with the section(s) of Article Twenty-One B (21B) which it is alleged have been violated. 12
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15 Charges must be signed by the party preferring them. They shall
16 then forward the charges by certified mail to the Secretary of the Local
17 in which the accused holds membership unless the alleged offense was
18 committed under the jurisdiction of another Local, in which case the
19 charges will be sent to the Secretary of that Local.

20 A Local officer or Committeeperson against whom charges have
21 been preferred shall continue in office while under charges unless
22 otherwise voted by the Local.

23 A member shall not be suspended for non-payment of dues while
24 under charges. The Local Treasurer is authorized to pay such member-
25 ship dues from the Local fund until the charges have been tried and
26 determined. The money involved will be considered as a loan to the
27 member, and unless repaid on or before a day designated by the Local,
28 the member will be suspended for non-payment of dues.

29 The Local will consider the charges at its first regular meeting fol-
30 lowing their receipt by the Secretary of the Local, and unless charges
31 are found to be completely lacking in substance or merit, the Local will
32 accept the charges and authorize a trial. A decision by the Local not
33 to hold a trial on charges may be appealed to the General President as
34 provided in Article Eighteen (18), Section 1(d).

35 A Trial Board consisting of five (5) members of the Local working
36 in the craft of the accused shall be elected by the Local and the Trial
37 Board shall elect from its members a Chairperson and a Secretary and
38 proceed to try the case. Within three (3) days of their first meeting, the
39 Secretary of the Trial Board shall send to the accused by certified mail
40 a copy of the charges and notice of the date, time, and place of trial.
41 The date selected for the trial must permit not less than fifteen (15)
42 days' advance notice to both parties involved in the trial. The trial shall
43 be held within thirty (30) days from the meeting at which the charges
44 were presented.

45 The Secretary of the Trial Board shall send by certified mail the
46 same information relative to the trial to the party preferring the

charges along with instructions to attend the trial for the purpose of submitting evidence and testimony in support of the charges and to participate in cross-examination by or on behalf of the accused.

The majority of the Trial Board shall constitute a quorum and, in the absence of a quorum, no trial shall be held and the Trial Board will report the circumstances to the Local at its next meeting. If the Local elects to continue the trial, the Chairperson of the Trial Board will then set another date for the trial and notify all parties involved of the time, place, and date of the rescheduled trial, which shall be held within thirty (30) days.

No member of a Trial Board shall be directly or indirectly involved as a party, witness, or otherwise in the conduct giving rise to the charges preferred against the accused. In the event any of the members of a Trial Board are so involved, they shall be disqualified to sit and the Local shall elect a substitute member.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as their representative or counsel in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of the names of witnesses which they intend to call in support of the charges. They shall furnish a copy of such list to the accused and shall also act as prosecutor in the case either in person or through their counsel or representative.

For good cause any party may request a postponement of the date set for trial. Such request shall be addressed to the Chairperson of the Trial Board and shall be subject to approval or rejection within the discretion of the members of the Trial Board. Such postponements shall not exceed ninety (90) days.

Should the accused fail to appear for trial after being notified as prescribed in the foregoing, should they appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B), the Local bylaws, or the Trial Board, or should they engage in

79 conduct designed to obstruct the trial, the Trial Board shall proceed
80 to conduct the trial in their absence. The accused, the party prefer-
81 ring charges, counsel or other representative for either party, or any
82 witnesses who are guilty of misconduct before the Trial Board shall
83 be excluded thereafter from the trial proceedings and the trial shall
84 continue in their absence.

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

87 Both parties to the trial shall be given full opportunity to present
88 any witnesses and all relevant evidence and exhibits which they deem
89 necessary to a proper presentation of their case and shall be entitled
90 to cross-examine witnesses of the other party. Should a witness be
91 unable to attend any trial session of the Trial Board, the evidence of
92 such witness may be taken in deposition form before a notary public
93 or other civil officer authorized to administer oaths. Said deposition
94 shall be admissible evidence at the trial proceedings provided the
95 adverse party or their counsel is given the opportunity of being pres-
96 ent and cross-examining the witness when the deposition is taken.

97 Before giving testimony, any witnesses who are members of SMART
98 shall be required to make the following affirmation:

99 “Do you solemnly affirm upon your honor as a member of SMART
100 that the evidence to be given by you in this case shall be the truth and
101 nothing but the truth?”

102 All persons shall be excluded from trial sessions except the members
103 of the Trial Board, parties to the trial and their counsel or repre-
104 sentative, the witness who is testifying, and the reporter or person
105 transcribing the testimony.

106 After all evidence has been presented and arguments made by all
107 parties or their counsel, the Trial Board shall conclude the trial and, as
108 soon as practicable, assemble in executive session for consideration of
109 its decision.

The Trial Board shall render its decision in writing within fifteen (15) days following the date upon which the trial was concluded. If the accused is found guilty, the Trial Board shall fix the penalty to be assessed which shall be fine, reprimand, removal from office or suspension. Such decision shall contain a statement of the pertinent facts involved, the violations charged, and the penalty to be imposed if the verdict is one of guilt. Such decision and penalty shall be final and binding unless reversed or modified upon appeal as provided in Article Nineteen (19).

The Trial Board shall forward copies of its decision by certified mail to the accused and the party preferring the charges. Copies shall also be mailed to the President Transportation Division, General Secretary-Treasurer, and the Secretary of the Local.

If suspension is the penalty prescribed by the Trial Board, such suspension will be for not more than two (2) months beginning with the first day of the month following the month in which the Trial Board renders its decision.

If removal from office is the penalty, such removal shall become effective on the date the Trial Board's decision is delivered to the accused by certified mail, except as provided in Article Nineteen (19), Section 5.

If reprimand is the penalty, the accused shall be summoned to attend a regular meeting of the Local to be reprimanded by the President. If they fail to attend, the accused shall be suspended from membership until they do attend a meeting to receive the reprimand. If the failure to attend continues until the close of the month following the month in which the accused was summoned, they shall be expelled.

If the President Transportation Division finds a local treasurer to be negligent, they may remove the treasurer from office pending completion of a trial by an International Trial Board on charges filed by the President or another member.

141 (b) Charges may be preferred against officers and members of
142 General Committees of Adjustment or Legislative Boards for failure
143 to fulfill the obligations and responsibilities imposed upon them by
144 this Constitution and by their General Committee of Adjustment or
145 Legislative Board. Charges not covered under Article Twenty-One B
146 (21B) and charges which could be brought under Article Twenty-One B
147 (21B) and Article Seventeen (17) will be processed under the provisions
148 of Articles Seventeen (17) and Eighteen (18).

149 Charges must be made in writing and shall clearly specify the
150 alleged offense(s) together with the section(s) of Article Twenty-One
151 B (21B) and/or those obligations and responsibilities which it is alleged
152 have been violated.

153 Charges must be signed by the party preferring them. Said party
154 shall forward copies by certified mail to the accused, the President
155 Transportation Division, and the Secretary of the General Committee
156 of Adjustment or Secretary of the Legislative Board as the case may
157 be. The President Transportation Division shall promptly furnish
158 copies of the charges to all members of the General Committee of
159 Adjustment or Legislative Board involved.

160 If in the opinion of the majority of the members of the General
161 Committee of Adjustment or Legislative Board the charges warrant
162 trying the accused, the President Transportation Division shall give
163 the accused and the party preferring the charges fifteen (15) days'
164 notice prior to the convening of a Trial Board to try the accused. The
165 Trial Board shall consist of not more than five (5) members appointed
166 by the President Transportation Division from among those members
167 of the General Committee of Adjustment or Legislative Board, as the
168 case may be, who are not involved in the charges. The first named
169 shall be chairperson. A majority of the Trial Board shall constitute a
170 quorum. The Trial Board shall meet at the time and place chosen by
171 the President Transportation Division, elect a Secretary, and proceed
172 to try the case. If members of the General Committee of Adjustment

or Legislative Board decide not to hold a trial on charges, the charging party may request the General President as provided in Article Eighteen (18), Section 1(d) to appoint a Trial Board to hear the charges.

Each party to a trial shall have the privilege of designating any party, except a party involved in the charges or proceedings, to act as their counsel or representative in the trial proceedings.

The party preferring the charges shall deliver in writing to the Chairperson of the Trial Board a list of names of witnesses which they intend to call in support of the charges and shall furnish a copy to the accused. The accuser shall also act as prosecutor in the case either in person or through their counsel or representative.

Should the accused fail to appear for trial after notice as prescribed in the foregoing, should they appear but refuse to comply with the rules for the conduct of the trial prescribed by Article Twenty-One B (21B) or the Trial Board, or should they engage in conduct designed to obstruct their trial, the Trial Board shall proceed to conduct the trial in their absence. The accused, the party preferring charges, counsel or other representative for either party, or any witnesses who are guilty of misconduct before the Trial Board shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence.

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

Both parties to the trial shall be given full opportunity to present any witnesses and all relevant evidence and exhibits which they deem necessary to a proper presentation of their case and shall be entitled to cross-examine witnesses of the other party. Should a witness be unable to attend any trial session of the Trial Board, the evidence of such witnesses may be taken in deposition form before a notary public or other civil officer authorized to administer oaths. Said deposition shall be admissible evidence at the trial proceedings provided the adverse party or their counsel is given the opportunity of being present and cross-examining the witness when the deposition is taken.

205 Before giving testimony, any witnesses who are members of SMART
206 shall be required to make the following affirmations:

207 “Do you solemnly affirm upon your honor as a member of SMART
208 that the evidence to be given by you in this case shall be the truth and
209 nothing but the truth?”

210 All persons shall be excluded from trial sessions except members of
211 the Trial Board, parties to the trial and their counsel or representative,
212 the witness who is testifying, and the reporter or person transcribing
213 the testimony.

214 After all evidence has been presented and arguments made by all
215 parties or their counsel, the Trial Board shall conclude the trial and, as
216 soon as practicable, assemble in executive session for consideration of
217 its decision.

218 The Trial Board shall render its decision in writing within fifteen
219 (15) days following the date upon which the trial was concluded. If
220 the accused is found guilty, the Trial Board shall fix the penalty to
221 be assessed which shall be fine, reprimand, removal from office or
222 suspension. Such decision shall contain a statement of the pertinent
223 facts involved, the violations charged, and the penalty to be imposed
224 if the verdict is one of guilt. Such decision and penalty shall be final
225 and binding unless reversed or modified upon appeal as provided in
226 Section 75 of Article Twenty-One B (21B).

227 The Trial Board shall forward copies of its decision by certified mail
228 to the accused and the party preferring the charges. Copies shall also
229 be mailed to the President Transportation Division, General Secre-
230 tary-Treasurer, and members of the General Committee of Adjustment
231 or Legislative Board.

232 If reprimand is the penalty, the President Transportation Division
233 shall issue the reprimand in writing to the accused and furnish all
234 members of the General Committee of Adjustment or Legislative
235 Board a copy of the reprimand.

All other forms of discipline shall become effective on the date the Trial Board's decision is delivered to the accused by certified mail, except as provided in Article Nineteen (19), Section 5. An officer or member removed from office or suspended may not again serve in any office of the Transportation Division except upon recommendation by the President Transportation Division and final approval of the General President.

(c) All officers of the Transportation Division and of affiliates within the Transportation Division shall be subject to the provisions of Article Twelve (12), Section 11(b).

SECTION 75 – APPEALS

I – TO THE BOARD OF APPEALS

SEC. 75.

(a) An officer or member of a Local may appeal from an action or decision of a Local to the Board of Appeals, except as provided in paragraph (c) below. Such appeal shall be filed with the General Secretary-Treasurer within ninety (90) days from the date the action or decision occurred.

(b) A subordinate body may appeal an action or decision against it to the Board of Appeals, provided such appeal is filed with the General Secretary-Treasurer within ninety (90) days from the date the action or decision occurred.

(c) An officer or member of a Local may appeal from an action or decision of a Local Committee of Adjustment to the appropriate General Chairperson, provided such appeal is filed with the General Chairperson within ninety (90) days from the date the action or decision occurred.

(d) A Local or member of a Local may appeal from an action or decision of a General Chairperson to the General Committee of Adjustment, provided the appeal is filed within ninety (90) days from the date

21 the action or decision occurred. Appeals to the General Committee of
22 Adjustment must be filed with the Secretary of the General Com-
23 mittee and shall be acted upon not later than the next session of the
24 General Committee of Adjustment.

25 (e) An appeal pending before a General Committee of Adjustment
26 which has not been acted upon within ninety (90) days shall be referred
27 by the Secretary of the General Committee of Adjustment to the Board
28 of Appeals for a decision, provided the appellant makes a request to do
29 so to the Secretary of the General Committee at least thirty (30) days
30 prior to the date the Board of Appeals is scheduled to convene.

31 (f) An appeal from the decision of the General Committee of Adjust-
32 ment may be made to the Board of Appeals provided the appeal is filed
33 with the General Secretary-Treasurer within ninety (90) days from the
34 date of the decision of the General Committee of Adjustment.

35 **II – TO THE BOARD OF DIRECTORS**

36 (a) A member or subordinate body may appeal to the Board of
37 Directors from an interpretation of Article Twenty-One B (21B) made
38 by the President Transportation Division, provided such appeal is filed
39 with the General Secretary-Treasurer within ninety (90) days from the
40 date the decision by the President Transportation Division was made.
41 Decisions of the Board of Directors under this paragraph are subject to
42 appeal to the General President under Article Nineteen (19).

43 (b) Actions or decisions of Trial Boards conducted under Sec-
44 tion 74 may be appealed to the President Transportation Division,
45 provided such appeal is filed with the General Secretary-Treasurer
46 within ninety (90) days from the date on which the action or decision
47 occurred. The General Secretary-Treasurer shall docket the appeal
48 and present all papers relating to the appeal to the President Trans-
49 portation Division.

50 The President Transportation Division will promptly render a
51 decision on the appeal which shall be final and binding on all parties

unless appealed to and reversed or modified by the General Executive Council. Appeals to the General Executive Council must be filed with the General Secretary-Treasurer within sixty (60) days from the date of the decision by the President Transportation Division. Decisions rendered by the General Executive Council on appeals referable to the Council shall be final unless changed upon appeal to the SMART General Convention in accordance with Article Nineteen (19).

III – PROCEDURES

In all appeals as provided herein the party whose action or decision is being appealed shall be allowed sixty (60) days from the date the appeal is filed to reply to the appeal.

All appeals must be in writing, contain the pertinent facts involved, and set forth the basis of the appeal. The parties involved in an appeal shall exchange copies of the appeal and the reply thereto, and all related correspondence. Copies of decisions involving appeals, will be in writing, contain the pertinent facts involved, provide the rationale leading to the decision and be furnished all interested parties.

SECTION 76 – LOCAL RULES OF ORDER

SEC. 76. The Rules of Order of the International shall be used by the Local insofar as they can be made applicable. Parliamentary matters not specifically covered by said Rules of Order will be decided in accordance with the parliamentary principles contained in Robert’s Rules of Order, Revised.

SECTION 77 – CONDUCT OF LOCAL MEETINGS

SEC. 77. Meetings of the Local shall be opened by the President, Vice President, Past President, or in their absence by any other officer or member with the following statement:

5 "I now declare this meeting of SMART Local No. _____ open for the
6 transaction of such business as may properly come before it."

7 The following order of business is suggested but Locals may alter the
8 suggested order of business as necessary to suit their requirements:

- 9 1. Roll call of officers
- 10 2. Announce or display: This meeting is an environment
11 free of discrimination and harassment
- 12 3. Reading minutes of the previous meeting
- 13 4. Admission of new members
- 14 5. Treasurer's report
- 15 6. Reports of officers and committees
- 16 7. Communications
- 17 8. Unfinished business
- 18 9. New business
- 19 10. Bills of allowance
- 20 11. Nomination of officers and committeepersons
- 21 12. Election and installation of officers
- 22 13. Safety first
- 23 14. Way and means of improving SMART
- 24 15. Closing

1 SECTION 78

2 **SEC. 78.** NOTE: The provisions of Section 78 were declared void by the
3 Federal Court ruling in Civil Action No. 97-5732 (NHP) and the Section
4 has been deleted from Article Twenty-One B (21B) per Section 38.

SECTION 79 – CONSIDERATION OF GRIEVANCES

SEC. 79. Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction. Grievances involving violations of the agreement, reinstatement, safety, or health and welfare shall be given prompt handling with local officials of the employer. A report by the committee will be made at the next meeting.

When grievances are being considered by a Local, only those members employed in the craft on the territory involved shall be permitted to vote, provided that at least five (5) such members must be present before any action can be taken. If more than one (1) craft is involved, the grievance shall be considered and determined separately by each craft.

In the absence of a collective bargaining agreement to the contrary, no grievance involving requests for reinstatement shall be accepted after the expiration of two (2) years from the date of dismissal. Any grievance involving positions and rank on seniority rosters shall be reviewed and corrected when and if factual evidence is presented to show an error in record keeping.

SECTION 80 – PRESERVATION OF CRAFT AUTONOMY

SEC. 80. (a) Local working conditions of a craft over which a Local has jurisdiction may not be revised or changed unless authorized to do so by a majority of the votes cast by the members affected and working in the craft. Such a proposal will not be voted upon prior to the first meeting following that in which the proposition was presented. If more than one craft is affected, the issue shall be determined by a majority vote of each and every affected craft, i.e., in the event any one of the crafts affected rejects the issue, the matter shall remain unchanged.

(b) In the event twenty-five percent (25%) of the members working in a craft in the territory involved petition the Local to circulate a referendum ballot, on any issue to be voted upon involving a change

13 in local working conditions in the territory over which the Local has
14 jurisdiction, a referendum ballot will be circulated. Only those mem-
15 bers assigned in the craft and working in the territory affected shall
16 be permitted to vote. A majority of the votes cast shall determine the
17 issue. An issue decided by referendum vote can be changed only by
18 another referendum vote.

19 (c) General Committees of Adjustment, by a majority vote, may
20 authorize the revision of general or system schedule rules, amend
21 existing rules, or establish new rules, except, General Committees of
22 Adjustment consolidated on or after date of unification with other
23 General Committees of Adjustment and/or officers representing Trans-
24 portation Division, assisting those General Committees of Adjustment,
25 shall not revise or amend general or system schedule rules of any craft
26 unless authorized to do so by a majority vote of the representatives of
27 that craft on the General Committee.

28 (d) When voting on matters involving wages, rules, working condi-
29 tions, or elections held in a Local meeting is by craft vote, the craft in
30 which a member is entitled to vote shall be the craft in which they
31 are assigned, irrespective of Local affiliation, at the time the vote is
32 taken. In the event referendum procedures are used for such voting,
33 the craft in which a member is entitled to vote shall be the craft in
34 which they are assigned on the date prior to the date the ballots are
35 mailed by the Secretary.

36 (e) The provisions of this Section may not be changed by the Inter-
37 national Union, except upon the approval of a majority vote of the
38 members of each of the crafts represented by the United Transporta-
39 tion Union, now SMART.

1 SECTION 81 – LOCAL COMMITTEES OF ADJUSTMENT

2 **SEC. 81.** Each Local shall elect a Local Committee of Adjustment,
3 consisting of a Chairperson, one or more Vice Chairpersons, and a Sec-
4 retary. Additional Local Committees of Adjustment may be formed to

represent members on a separate seniority district or when employed
 in a separate craft represented by the SMART Transportation Division.
 Such committee persons must hold seniority rights in one of the crafts
 under the jurisdiction of the Local Committee.

The President Transportation Division may grant dispensation for
 the establishment of separate Local Committees of Adjustment for the
 members of a Local working in one of the various crafts represented
 by the SMART Transportation Division. Each Local Committee shall
 be maintained by dues and/or assessments levied upon the members
 under the jurisdiction of such committee.

When required, it shall be the duty of the Chairperson of the Local
 Committee of Adjustment to furnish the Treasurer of the Local and
 the interested General Chairpersons the names of nonmembers
 and members who have been taken out of service, or who have been
 returned to service. Additionally, the Chairperson of the Local Com-
 mittee of Adjustment will assist in furnishing information to the
 Treasurer as to the names of employees working under the jurisdiction
 of their committee.

It shall be the duty of the Chairperson of the Local Committee of
 Adjustment to promptly handle claims and grievances when presented
 in accordance with Section 79. They shall be authorized to file claims
 and grievances including those where time has not been claimed, or
 where claims were incorrectly and/or improperly filed. They shall report
 on the handling of all claims and grievances at the next Local meeting.

Should the Local Chairperson fail to satisfactorily adjust any case
 presented, they may refer same to the General Chairperson with the
 complete facts and history of the case, including copies of correspon-
 dence exchanged with local officials.

It shall be the duty of the Vice Chairperson to handle matters
 referred to the Local Committee when so directed by the Chairperson.
 The Vice Chairperson of the Local Committee shall act as Chairperson
 when the Chairperson is unable to perform their duties, and in case

37 of a permanent vacancy in the office, they shall act as Chairperson
38 until the office is filled as provided in Section 57. When more than one
39 Vice Chairperson is elected to a Local Committee of Adjustment, the
40 Local Committee shall designate the Vice Chairperson who shall act as
41 required by this paragraph.

42 Local Committees shall not take grievances to the general officers
43 of an employer, except through the General Chairperson, and will not
44 be permitted to enter into any agreement or understanding or change
45 an agreement or understanding unless approved and signed by the
46 General Chairperson and the designated carrier representative.

47 Local Committees of Adjustment may consolidate their Committees
48 under such terms and conditions as they deem appropriate, subject to
49 approval by a majority of the members under the jurisdiction of each
50 Committee involved.

51 In the event twenty-five percent (25%) of the members, working in
52 a craft under the jurisdiction of a Local Committee of Adjustment,
53 petition the Secretary of their Local to circulate a referendum ballot
54 on a proposition of discontinuing their Local Committee of Adjust-
55 ment and to be placed under the jurisdiction of another Committee
56 in the same Local, the Secretary will circulate a ballot on the prop-
57 osition among the members represented by each respective Local
58 Committee of Adjustment. Upon approval by a majority vote of the
59 members represented by each respective Committee, the Committee
60 to be discontinued will, within fifteen (15) days from the date of such
61 approval, make an orderly transfer of the property, funds, and files to
62 the Committee assuming jurisdiction.

63 Compensation and expenses for members of the Local Committee
64 shall be determined by the members of the Local under the jurisdic-
65 tion of the Committee. The Local Committeeperson when authorized
66 by the General Chairperson to perform service in connection with
67 General Committee matters shall be compensated from the General
68 Committee Fund.

SECTION 82 – GENERAL COMMITTEE OF ADJUSTMENT

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SEC. 82. The Chairperson of each Local Committee of Adjustment under the jurisdiction of a General Committee of Adjustment shall be a member of such General Committee of Adjustment. Local Chairpersons representing yardmasters only, may be members of the General Committee representing yard/switchpersons subject to approval of such General Committee.

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

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

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

Incumbent officers and members of the General Committee, and any member holding seniority in the craft represented by the General Committee shall be eligible for election to the office of General Chairperson. Only members of the General Committee shall be eligible for election to the office of Vice General Chairperson, or Secretary of the Committee. A General Committee requiring the full-time services of a

32 Vice General Chairperson or Secretary may re-elect such officers, with-
33 out their being re-elected as Local Chairpersons. In such cases these
34 officers may speak but shall have no vote in the General Committee.

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

38 The Chairperson of a General Committee of Adjustment may be
39 elected by referendum vote instead of by General Committee vote as
40 provided for in the preceding paragraph if two-thirds ($\frac{2}{3}$) of the Local
41 Chairpersons under the jurisdiction of a General Committee, prior to
42 August 1 preceding the year of the regular quadrennial meeting of the
43 General Committee, vote for and advise the President Transportation
44 Division in writing of their desire to have the Chairperson of that
45 Committee elected by referendum vote.

46 Upon receipt of such request the President Transportation Division
47 will notify the Locals under the jurisdiction of that General Commit-
48 tee that a referendum election for General Chairperson will be held.

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

53 Nominations for General Chairperson will only be accepted when a
54 petition is signed by at least five (5) members holding seniority rights
55 in one of the crafts and holding membership in one of the Locals
56 under the jurisdiction of the General Committee. The petition shall
57 be presented to the Secretary of the Local no later than the meeting
58 scheduled to accept such nominating petitions.

59 The Local Secretary shall certify the names of candidates and for-
60 ward same to the President Transportation Division by certified mail
61 no later than ten (10) days after the nominating meeting. The President
62 Transportation Division shall have prepared ballots placing the name
63 of the incumbent candidate on the ballot first and the names of the

other candidates in alphabetical order. The President Transportation Division shall send a ballot as described in Section 57 to each member entitled to vote no later than October 25. Only members employed under the jurisdiction of a General Committee of Adjustment shall be eligible to vote in the referendum election for the Chairperson of such Committee. The President Transportation Division shall request a list of eligible voters to be prepared by the General Secretary-Treasurer showing the names and addresses of the members paying General Committee assessments to that General Committee for the month of August preceding the election.

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

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

The General Secretary-Treasurer shall immediately notify the President Transportation Division, General Chairperson, candidates, and each Local the results of the election.

The candidate receiving a majority of the votes cast shall be declared elected. If no candidate receives a majority on the first ballot, all but the two candidates receiving the largest vote will be dropped from the ballot, and a second election will be held in the same manner. In case of a tie, the General Secretary-Treasurer shall be governed by the applicable provisions of Section 57.

A defeated General Chairperson shall not sign system agreements unless they are also signed by the Vice Chairperson and Secretary of the General Committee. A defeated General Chairperson shall not

96 close out pending cases unless concurred in by the Vice Chairperson
97 and Secretary of the General Committee.

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

102 The Chairperson of each General Committee of Adjustment shall
103 convene the full Committee between January 1 and May 31 following
104 the completion of the quadrennial elections for Local Committees
105 of Adjustment, or as soon thereafter as elections are completed, and
106 quadrennially thereafter. Actions of the General Committee shall be
107 retroactive to January 1 of that year. In the event the Chairperson fails
108 to convene the Committee, the Committee shall be convened by the
109 President Transportation Division on request of one or more Locals.

110 When the Chairperson has been elected by referendum vote, the
111 results of the vote shall be announced on the first day of the quadren-
112 nial meeting and the Chairperson elected shall immediately assume
113 the office.

114 A General Chairperson shall have no vote in General Committee
115 meetings except in case of a tie vote on matters other than elections,
116 the Chairperson will cast the deciding vote. In case of a tie vote in a
117 Committee election after five (5) secret ballots the Chairperson shall
118 then be permitted to vote.

119 Each General Committee of Adjustment may adopt its bylaws and
120 procedures, establish salaries, set the amount of General Committee of
121 Adjustment dues, and such other matters necessary for its operation,
122 subject to the provisions of this Constitution.

123 The President Transportation Division may grant dispensation for
124 the establishment of separate General Committees of Adjustment, for
125 the various crafts represented by the SMART Transportation Division.
126 Each such Committee shall be maintained by dues and/or assessments
127 levied upon the members under the jurisdiction of such Committee.

If less than three (3) Locals are located on a property, the General Chairperson shall be elected by referendum vote. 128
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A General Chairperson may not serve as Local Chairperson, except when there is only one Local Committee of Adjustment on a property, the Local Committee of Adjustment shall constitute the General Committee of Adjustment. 130
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In Bus Department Locals where there is one Local on a property, General Committees of Adjustment and/or officers representing the SMART Transportation Division, shall not revise or amend general or system schedule rules unless authorized to do so by a majority of votes cast by the members of the craft under the jurisdiction of the General Committee. 134
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The Secretary of the General Committee shall promptly notify the President Transportation Division in the event of a vacancy in the office of Chairperson. The President Transportation Division shall order an election, to be held in accordance with the provisions of this Section, to fill the vacancy. In the interim the Vice General Chairperson designated by the Committee at the time of their election will fill the vacancy. 140
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Vacancies in the office of Vice General Chairperson or Secretary of the General Committee shall be filled by a majority vote of the General Committee, while in session, or by secret ballot conducted by mail as follows: The Chairperson will set a period in which any member of the Committee may nominate another member of the Committee to fill the office. When the period for making nominations has expired, the Chairperson shall prepare ballots, placing the names of the candidates in alphabetical order. They shall furnish ballots to each member of the Committee, with notification as to the date on which the ballots must be returned for tabulation. On the date specified, the Chairperson, with the assistance of at least two members of the Committee or two officers of the nearest local, shall tabulate the ballots and certify the results to the Secretary of the General Committee. The Secretary of 147
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160 the General Committee shall report the results of the election to the
161 Locals and members of the General Committee.

162 General Chairpersons or Executive Committee of General Commit-
163 tees of Adjustment may voluntarily consolidate their committees under
164 such terms and conditions as they deem appropriate subject to approval
165 by two-thirds ($\frac{2}{3}$) vote of the members of each General Committee of
166 Adjustment involved and the President Transportation Division.

167 In the event twenty-five percent (25%) of the members working
168 under the jurisdiction of a General Committee of Adjustment petition
169 the Secretary of the General Committee to circulate a referendum
170 ballot on a proposition of discontinuing the officers of their committee
171 and consolidating their committee under the officers of another com-
172 mittee holding similar jurisdiction on the same property, the Secretary
173 will prepare a ballot on the proposition to be circulated among the
174 members involved by the Secretaries of the Locals involved. Upon
175 approval by a majority vote of the membership represented by such
176 committee, a referendum ballot will be circulated among the mem-
177 bership represented by the other General Committee of Adjustment
178 involved in the consolidation. Upon approval by a majority vote of the
179 membership under the jurisdiction of such other committee, the offi-
180 cers of the committee being dissolved will, within sixty (60) days, make
181 an orderly transfer of the property, funds, and files to the committee
182 having jurisdiction.

183 If as a result of the referendum vote it is the desire of the mem-
184 bership represented by the two General Committees to consolidate, a
185 referendum election will be held as provided in this Section to elect a
186 General Chairperson from the two incumbent General Chairpersons.
187 The defeated General Chairperson will become an Assistant General
188 Chairperson of the consolidated General Committee and shall be
189 placed in no worse position with respect to salary or compensation.
190 Their term of office as Assistant will expire at the same time as the
191 General Chairperson at the next quadrennial meeting.

Nothing in this Section shall prevent a General Committee from providing a residence property settlement, moving expense, and transfer allowance for a General Chairperson who is required by the consolidated General Committee to relocate their residence as a result of a consolidation of General Committees.

SECTION 83 – RETIRED MEMBERS

SEC. 83. Members of the United Transportation Union, now SMART, retired from service on account of age shall be assessed International dues of Seventy-Five Cents (\$0.75) per month, to be collected in a manner prescribed by the President Transportation Division. Retired members paying the Seventy-Five Cents (\$0.75) per month assessment shall be members of the United Transportation Union Alumni Association so long as such dues are paid. Provided, however, that the President Transportation Division with the concurrence of the Board of Directors may increase the dues from Seventy-Five Cents (\$0.75) per month to One Dollar (\$1.00) per month.

Payment of the aforementioned dues by retired members shall in no way affect the voting rights of such retired members of SMART Transportation Division.

SECTION 84 – GENERAL COMMITTEE FINANCING

SEC. 84. Each General Committee of Adjustment must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of the Committee through assessments upon the members under their jurisdiction.

The General Committee fund shall be deposited with the President Transportation Division. The General-Secretary Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the General Committee. The General Secretary-Treasurer shall furnish each interested Local Treasurer and

11 the General Chairperson a monthly report showing the division of
12 dues and assessments.

13 Dues, assessments, salaries, expenses, and other allowances estab-
14 lished for the maintenance of General Committees, and in effect as
15 of the effective date of unification, shall remain in effect, subject to
16 change as provided herein.

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

25 All reasonable and proper expenses of a General Committee, officers,
26 or member thereof when in the service of a General Committee shall be
27 allowed as expense of the General Committee. An itemized statement of
28 expenses incurred, with receipts for all items in excess of Twenty-Four
29 Dollars (\$24.00), and any amount due for services rendered shall be
30 submitted to the Chairperson of the General Committee. When such
31 statements are approved they shall be submitted to the General Secre-
32 tary-Treasurer for prompt payment. A copy of all such statements shall
33 be furnished to the Secretary of the General Committee.

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

1 **SECTION 85 – DUTIES OF GENERAL**
2 **COMMITTEES OF ADJUSTMENT**

3 **SEC. 85.** General Committees of Adjustment shall have author-
4 ity to make and interpret agreements with representatives of

transportation companies covering rates of pay, rules, or working conditions — subject to membership ratification in accordance with the provisions of this Article.

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

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

In the event the President Transportation Division or their representative and the Committee are unable to reach a satisfactory adjustment of the matter, the President Transportation Division may recommend to the General President who may order a strike on all or any portion of the company involved. Such strike action under this Section must be authorized by a two-thirds ($\frac{2}{3}$) vote of the members of the General Committee. Such vote may be taken by wire, mail, or personal contact with written confirmation as the General Chairperson may direct.

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

The General Chairperson must poll the entire membership holding seniority and working in the craft involved on the property by mail

37 referendum ballot prior to signing any system agreements and be
38 governed by the majority of the votes cast.

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

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

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

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

55 General Committees or subcommittees of General Committees of
56 Adjustment making settlement of matters referred to them shall,
57 within thirty (30) days of such settlement, notify the interested Local
58 Chairpersons and Secretary of the Locals in which the matters origi-
59 nated of the action taken.

60 Actions or decisions of a General Committee shall be binding upon
61 the members and Locals under the jurisdiction of such General Com-
62 mittee unless reversed or modified upon appeal as provided in Section
63 75 of Article Twenty-One B (21B).

64 (NOTE: Delegates moved that this Section 85 would be interpreted
65 that a SMART Engineer working under another union's agreement
66 would vote as a fireman on any agreement involving firemen.)

SECTION 86 – VACATIONS – GENERAL COMMITTEEPERSONS

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SEC. 86. Full-time officers and employees of General Committees of Adjustment shall be granted vacation with pay, consistent with the terms of the National Vacation Agreement, based upon earnings from their Committee. Such vacations may be split if desired but will not be carried over from one year to the next.

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Officers and members of General Committees employed on a part-time basis shall be paid the difference between the amount of vacation pay allowed by their carrier and the amount of vacation pay they would have received had their wages with the General Committee been earned with the carrier, except, if they do not work a sufficient amount of time with their carrier to qualify for a vacation, they shall be allowed a vacation with pay, consistent with the terms of the National Vacation Agreement, based upon their total earnings with the carrier and the General Committee.

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Vacation allowances provided herein shall be paid by the General Secretary-Treasurer from the General Committee fund upon approval of the vacation claim by the General Chairperson and Secretary of the General Committee. This Section is intended to prevent any loss in vacation time and pay as a result of serving the General Committee.

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SECTION 87 – CHAIRPERSON OF GENERAL COMMITTEE

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SEC. 87. The Chairperson of a General Committee of Adjustment shall be its executive head, preside over all meetings, and exercise general supervision over its affairs and interests.

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The Chairperson shall furnish a quarterly report of their activities to all Local Chairpersons and Locals under their jurisdiction and use such other means as necessary to keep the membership well informed. They shall attach to the report an itemized statement of receipts and disbursements of their Committee which shall be furnished by the

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10 General Secretary-Treasurer in sufficient number for distribution with
11 this report.

12 The Chairperson shall convene the General Committee upon
13 request of a member of said Committee provided, (1) a two-thirds ($\frac{2}{3}$)
14 majority of the Committee concurs in such request and (2) sufficient
15 funds are available.

16 The Chairperson shall perform such other duties as may be required
17 by the General Committee and this Constitution.

1 **SECTION 88 – VICE CHAIRPERSONS**
2 **OF GENERAL COMMITTEE**

3 **SEC. 88.** The Vice Chairpersons of a General Committee of Adjustment
4 shall act for or on behalf of the Chairperson when so directed by the
5 Chairperson. They shall perform such other duties as may be delegated
6 to them by the General Committee of Adjustment.

1 **SECTION 89 – SECRETARY OF GENERAL COMMITTEE**

2 **SEC. 89.** The Secretary of a General Committee of Adjustment shall
3 keep a record of the proceedings of each meeting. They shall issue
4 notices of meetings when so directed by the General Chairperson.
5 They shall have charge of the books and papers of the Committee
6 pertaining to this office. The Secretary shall prepare and furnish the
7 President Transportation Division, General Secretary-Treasurer, each
8 Local Chairperson and each Local Secretary a copy of the proceedings
9 of the Committee within twenty (20) days of the close of each session.
10 They shall notify the President Transportation Division and General
11 Secretary-Treasurer the names and addresses of the General Commit-
12 tee immediately following their election.

13 The Secretary shall perform such other duties as might be required
14 by the General Committee and this Constitution.

SECTION 90 – MERGERS, LEASES, COORDINATIONS, ETC.

SEC. 90. When, through lease, purchase, merger, consolidation or other cause, a line or lines of a carrier or a portion thereof is taken over by another carrier or where, because of establishment of a new line by an existing carrier or for other reasons, traffic is permanently diverted from one carrier to another or from one road and/or yard seniority district to another on the same carrier and such affects the seniority rights of employees on such carriers, General Committees of Adjustment shall arrange for a fair and equitable division of the work. Prior seniority rights of employees to service on their former seniority district or territory shall be preserved to the extent possible. Permanently, as used herein, is intended to mean some reasonable degree of regularity in excess of thirty (30) days.

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

In circumstances in which a new line is established by a carrier and no seniority rights exist, employees from the line from which traffic is diverted, will be transferred to the new line in equal percentage to the mileage of the traffic diverted from the old line. If the portion of line transferred is insufficient in extent to constitute a separate seniority district, the employees taken over therewith in the merger may be placed on the roster of the proper seniority district to which the merged line is attached with seniority on such roster in their respective classes from a date not later than the date of merger.

In applying this Section to bus lines, the Transportation Division and its Legislative Department will intervene with the STB for a reservation of jurisdiction, for the imposition of conditions, for at least three (3) years for employees who may be adversely affected.

32 Disputes arising under this Section which cannot be resolved by
 33 the General Committee or General Committees shall be referred to
 34 the President Transportation Division. The President Transportation
 35 Division shall promptly assign an officer to assist the General Commit-
 36 tee or General Committees involved in resolving the dispute. Failing
 37 to resolve the dispute the officer shall make a complete report and
 38 recommendation to the President Transportation Division who, in
 39 turn, shall decide the dispute.

40 Any Local or member of a Local affected by action or decision of a
 41 Chairperson, or General Committee, or by the decision of the Presi-
 42 dent Transportation Division with respect to this Section may appeal
 43 such action or decision to the Board of Appeals, provided such appeal
 44 is filed with the General Secretary-Treasurer within ninety (90) days
 45 from the date of the action or decision. The Chairperson, General Com-
 46 mittee, or President Transportation Division, as the case may be, shall
 47 be allowed thirty (30) days from the date the appeal is filed in which to
 48 reply to the appeal. The parties involved in an appeal shall exchange
 49 copies of the appeal and reply to the appeal.

1 **SECTION 91 – ASSOCIATION OF GENERAL CHAIRPERSONS**

2 **SEC. 91.** The Chairpersons of the General Committees in each district,
 3 as hereinafter set forth, shall form an Association of General Chairper-
 4 sons, each to function independently of the other, for the purpose of
 5 formulating concerted movements relating to wages, rules, and work-
 6 ing conditions of transportation service employees in their district.

- 7 ■ District No. 1 shall include all rail lines in the United States.
- 8 ■ District No. 3 shall include all bus lines in the United States.

9 All General Chairpersons on properties where the combined
 10 membership represented by SMART Transportation Division is one
 11 hundred (100) or more, shall be members of the Association of General

Chairpersons in their respective districts as outlined above. Where 12
 the combined membership represented by SMART Transportation 13
 Division on a property is less than one hundred (100) the General 14
 Chairpersons on that property shall elect one of their group to be a 15
 member of the Association in their respective districts. Members of 16
 the Association of General Chairpersons shall attend all meetings of 17
 their Association and represent their committees with pay and proper 18
 expenses to be paid from the General Fund of the International. 19

The President Transportation Division shall convene the General 20
 Chairpersons during the year 1969 for the purpose of organizing the 21
 Association in each district. Each district shall elect, by secret ballot, a 22
 Chairperson, a Vice Chairperson, and a Secretary to serve as officer of 23
 their Association. 24

Following the reorganization of General Committees in 1971, and 25
 quadrennially thereafter, the President Transportation Division shall 26
 convene the Association of General Chairpersons for the purpose of 27
 reorganizing and electing officers. 28

Each Association shall adopt bylaws for its special government 29
 consistent with the provisions of this Constitution. 30

The Association will be convened by the President Transportation 31
 Division whenever necessary and will be convened by them when a 32
 majority of the General Chairpersons within a district of the Associ- 33
 ation request a special meeting, provided the requests are uniform in 34
 object and purpose and the meeting is limited to subjects over which 35
 the Association has jurisdiction. 36

In any general or concerted wage-rules movement, members in an 37
 Association cannot withdraw support of a movement which has been 38
 approved by a two-thirds (2/3) vote of the members of an Association, 39
 unless sanction thereto is given by a majority vote of eligible members 40
 of the Association and approved by the President Transportation 41
 Division. In the event any transportation company refuses to be repre- 42
 sented by the conference committee representing the companies in a 43

44 general or concerted movement, the President Transportation Division
45 may exclude the General Committee on such company from participa-
46 tion in the movement.

47 A strike may be authorized by the President Transportation Divi-
48 sion, with approval of the General President, in support of a general
49 or concerted wage-rules movement, provided such action under this
50 Section is approved by a two-thirds ($\frac{2}{3}$) vote of the members in any
51 Association. Such vote may be taken as the President Transportation
52 Division may direct by mail, wire, or while in session.

53 In any general or concerted wage-rules movement the President
54 Transportation Division shall appoint a negotiating committee
55 representative of each of the former organizations and crafts repre-
56 sented by them, which are involved in the movement. The negotiating
57 committee shall assist in the prosecution of the wage-rules movement
58 as directed by the President Transportation Division.

59 When in the judgment of the President Transportation Division
60 and the negotiating committee a final offer of settlement has been
61 received, the offer with the committee's recommendation shall be
62 submitted by referendum to the Membership of the crafts involved in
63 the movement for their acceptance or rejection. Following receipt of
64 the offer of settlement, each General Chairperson shall have fifteen (15)
65 days to submit questions pertaining to the offer. The negotiating com-
66 mittee will, consolidate the submitted questions into a single, uniform
67 list. When the answers to these questions are determined by the nego-
68 tiating committee and the carriers' representatives, the agreed-upon
69 questions and answers will be distributed to the General Chairpersons
70 and made a part of the offer of settlement.

71 A majority of the members voting of each of the crafts to be covered
72 or affected by the terms of the proposed agreement shall be required
73 to ratify the offer of settlement.

74 The terms of the settlement shall be submitted, by the President
75 Transportation Division, to each Local involved in the movement, in

sufficient quantity to permit circulation to the membership, and/or the terms may be mailed to each member in a special edition of the SMART Transportation Division News. Recommendations of the President Transportation Division and/or Negotiating Committee may be included along with a digest or summary of the provisions of the settlement.

The Board of Directors shall establish and publish procedures for the conduct of referendum elections which shall thereafter be contained as an appendix to this Section; guaranteeing each affected member the right-to-vote on wages, rules and working conditions.

Voting and tabulation of the results must be completed within twenty-one (21) days from the date the proposal is dispatched or presented by the President Transportation Division. The final result and tabulation of voting shall be furnished to each Local involved in the movement and shall be printed in the SMART Transportation Division News.

APPENDIX:

Agreements shall be sent via first-class mail in an envelope marked "Important – Agreement and Ballot Enclosed". The ballot will be a self-addressed, postage paid postcard that will contain space for the member to print name, Local number and railroad employer, or a telephone electronic voting system supervised by the American Arbitration Association or similar neutral organization.

SECTION 92 – STRIKES

When a strike has been inaugurated by SMART Transportation Division, the President Transportation Division, shall be the recognized leader and shall have authority, in conjunction with the General President, to appropriate from the Strike Fund such money for legal assistance and incidental expenses as may be required for a successful prosecution of the strike.

8 Every member of SMART shall be duty bound to comply with strike
9 orders of SMART. A member who neglects or refuses to do so and who
10 takes the place or performs the duties of a striking member shall be
11 expelled from SMART upon conviction thereof under the trial proce-
12 dures of Article Twenty-One B (21B).

13 Any member of SMART who crosses the picket lines of SMART,
14 or the picket lines of any other railroad union(s) that SMART has
15 recognized as on legal authorized strike, for the purpose of assisting
16 the struck carrier(s) by rendering service, consultation, or advice for
17 wages, profit, gain, or gratis, will pay a fine of One Thousand Dollars
18 (\$1,000.00), and in addition to such fine if such member received any
19 wages, compensation, or remuneration for time, expense, consultation,
20 for service rendered to such carrier(s) during the strike that mem-
21 ber will also be fined Two Dollars (\$2.00) for every One Dollar (\$1.00)
22 received upon conviction thereof under the trial procedures of Article
23 Twenty-One B (21B).

24 The cost and expense of such trials will be borne solely by the Locals
25 conducting the trials and all fines collected by such Locals will be
26 retained by the Local conducting the trial.

27 Any member of SMART who participates in a strike which has not
28 been legally authorized shall be expelled from SMART upon conviction
29 thereof under the trial procedures of Article Twenty-One B (21B).

30 The President Transportation Division and the General Committee
31 of Adjustment, may terminate a strike. In the event of a difference
32 of opinion between the President Transportation Division and the
33 General Committee of Adjustment as to the advisability of terminating
34 a strike, the matter shall be referred to the General President for a final
35 decision. The discontinuance of strike benefits shall be decided by the
36 General President.

37 Strikes inaugurated by the SMART Transportation Division — Mem-
38 bers of crafts represented by the SMART Transportation Division who
39 engage in a strike inaugurated by the SMART Transportation Division,

including striking members who were employed under the jurisdiction of another organization, will be paid strike benefits as provided herein beginning with the third day following the day on which the strike was inaugurated.

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

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

Strike benefits will be One Hundred Dollars (\$100.00) per day and will not exceed a maximum of Twelve Hundred Dollars (\$1,200.00) per month.

Strike benefits shall be allowed for a period not to exceed one hundred twenty (120) days as the result of one strike. However, the one hundred twenty (120) day limit may be extended in unusual circumstances determined by the President Transportation Division and General President, except as specified in lines 44–51.

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

71 Upon receipt of such notification, the General Secretary-Treasurer
72 shall prepare a list, in duplicate, and furnish each local involved,
73 showing all members of each local having jurisdiction over striking
74 members or members who may be affected by a legal strike or a
75 recognized union as they appear on monthly billing including home
76 addresses, space for Social Security number or social insurance
77 number, occupation and length of service which shall be identified
78 as Form #1. The President and Treasurer of each Local shall complete
79 Form #1 by filling in the required blanks and return one (1) copy to
80 the General Secretary-Treasurer within ten (10) days. Form #1 must be
81 signed by the President and Treasurer of the Local and notarized by
82 a notary public.

83 Upon receipt of Form #1, the General Secretary-Treasurer shall
84 prepare a strike payroll, in duplicate, from the information contained
85 therein. The strike payroll shall be known as Form #2 and shall list
86 striking members in alphabetical order with space provided for
87 number of days for which payment is claimed and amount of payment
88 due. The Local Treasurer will fill in the spaces as indicated noting any
89 changes from Form #1, i.e., additions, deletions, E-49, sick or injured,
90 vacation, death, retired, or members who, for any reason, are not avail-
91 able for picketing or other duties required by the Local. The Treasurer
92 shall return the completed Form #2 on the 15th and the last day of the
93 month. The Local seal must be affixed to all payrolls.

94 Upon receipt of strike payrolls, the General Secretary-Treasurer,
95 when directed by the President Transportation Division, shall issue
96 checks drawn upon the strike fund for payment. The General Sec-
97 retary-Treasurer will mail strike benefits to all members entitled to
98 receive benefits, whose proper address appears on Form #1. A copy of
99 Form #2 will be mailed to the Local Treasurer.

100 In the event of a general strike by the SMART Transportation
101 Division or by other unions representing employees of railroads or
102 other transportation companies, the General President may suspend

all strike benefits if such action becomes necessary for the protection of SMART funds. 103
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When a strike of any other nationally recognized labor organization is in effect and danger to the safety of our members exists in or about the area affected by the strike, and/or if there exists any substantial present or potential threat of danger to the members en route to or from their work, and/or to the members' families, it is the policy of SMART to support its members in declining to enter the territory directly affected. 105
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SECTION 93 – LEGISLATIVE DEPARTMENT 1

SEC. 93. The Legislative Representatives of each Local in each State and in the District of Columbia, shall form a State or District Legislative Board for the purpose of protecting the legislative interests of the members under its jurisdiction. 2
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Officers of a State or District Legislative Board shall be a Chairperson, one or more Vice Chairpersons, Secretary and/or Treasurer where required by state law, and a State or District Legislative Director, an Assistant State Legislative Director where desired by the State Legislative Board. Such officers shall also be the Executive Committee of such State or District Legislative Board. 6
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In states where prior to the first reorganization meeting in 1972 there were salaried State Legislative Directors on a full-time basis, the Board shall retain such positions; provided, any proposition to establish or abolish a salaried State Legislative Director, or Assistant Legislative Director on a full-time basis must be approved by a two-thirds (2/3) majority vote of the members of the Legislative Board. 12
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Beginning in 1972 the Chairperson of each State and District Legislative Board shall convene the full Legislative Board not later than May 31st following the completion of the quadrennial elections for Local Legislative Representatives for reorganizational purposes which shall include the election of officers and adoption of bylaws and procedures. 18
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23 Beginning with the first reorganization meeting not more than two
24 (2) officers of the Executive Committee shall be elected from any one
25 craft except by a two-thirds ($\frac{2}{3}$) vote of the Legislative Board.

26 Incumbent officers and members of the Legislative Board shall be
27 eligible for election to the offices of the Executive Committee.

28 Nothing in this Section shall prevent a Legislative Board from
29 providing a residence property settlement, moving expenses and
30 transfer allowance for a Legislative Director who is required by the
31 consolidated Legislative Board to relocate their residence as a result of
32 a consolidation of State Legislative Boards.

33 If the Local Legislative Representative is unable to attend a meeting
34 of the full State or District Legislative Board, the Alternate Legislative
35 Representative of such Local shall attend the meeting and represent
36 their Local.

37 The officers of the Executive Committee and Alternate State Legis-
38 lative Director shall be elected by secret ballot of the members of the
39 Legislative Board during the quadrennial meeting except as otherwise
40 provided herein. The candidate receiving a majority of the votes cast
41 shall be declared elected. If no candidate receives a majority on the
42 first ballot, all but the two (2) candidates receiving the largest vote will
43 be dropped from the ballot, and a second election will be held in the
44 same manner.

45 Officers of the Executive Committee shall assume the duties of
46 their offices upon election and their term of office shall extend for
47 four (4) years.

48 The Director will cast the deciding vote in case of a tie vote on
49 matters other than elections. In case of a tie vote in elections, after the
50 fifth (5th) secret ballot, the Director shall then be permitted to vote.

51 In states where there is a Legislative Director and an Assistant
52 Legislative Director, a vacancy in the office of Legislative Director
53 shall be filled by the Assistant Legislative Director. A vacancy in the
54 office of Assistant Legislative Director shall be filled by the Alternate

Legislative Director. Any other vacancy shall be filled by a majority vote of the Legislative Board in accordance with the Board's bylaws and procedures. 55
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The Chairperson of each State or District Legislative Board shall preside over all meetings. They shall, through the Secretary of the Legislative Board, issue the necessary summons to convene the Executive Committee and/or Legislative Board as required by Article Twenty-One B (21B) and at such other times as may be necessary. 58
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Each State or District Legislative Board may adopt its bylaws and procedures, including the filling of vacancies, establishing salaries, setting the amount of Legislative Board dues, and such other matters necessary for its operation, subject to the provisions of Article Twenty-One B (21B). 63
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SECTION 94 – STATE OR DISTRICT LEGISLATIVE BOARD FINANCING 1
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SEC. 94. Each State or District Legislative Board must maintain a fund sufficient to pay all salaries and expenses necessary for the maintenance of such State or District Legislative Board through assessments levied upon the members under their jurisdiction. 3
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The State or District Legislative Board funds shall be deposited with the President Transportation Division. The General Secretary-Treasurer shall use such funds to pay the salaries, expenses, and other allowances necessary for the maintenance of the State or District Legislative Board. 7
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Dues, assessments, salaries, expenses, and other allowances established for the maintenance of State or District Legislative Boards and in effect as of January 1, 1969, shall remain in effect subject to change as provided herein. 12
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Any proposition to increase or decrease dues, assessments, personal expense, or other allowances established for the maintenance of the State or District Legislative Boards shall be submitted to the members 16
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19 of the State or District Legislative Board while in session or by mail by
20 the Secretary of the State or District Legislative Board setting forth
21 the specific change and effective date of such change. Such proposi-
22 tion must be approved by a majority vote of the members of the State
23 or District Legislative Board before being made effective.

24 All reasonable and proper expenses of a State or District Legislative
25 Board, Executive Committee, or officer or member thereof when in
26 the service of a Legislative Board shall be allowed as expense of the
27 Legislative Board. An itemized statement of expenses incurred, with
28 receipts for all items in excess of Twenty-Four Dollars (\$24.00), and any
29 amount due for services rendered shall be submitted to the Director of
30 the Legislative Board. When such statements are approved they shall
31 be submitted to the General Secretary-Treasurer for prompt payment.
32 A copy of all such statements shall be furnished to the Secretary of the
33 Legislative Board.

34 The State or District Legislative Director may rent office space, pur-
35 chase necessary office equipment, and employ such clerical assistance
36 as necessary when authorized to do so by a majority vote of the Board
37 in session or by mail vote between sessions.

1 **SECTION 95 – DUTIES OF STATE OR**
2 **DISTRICT LEGISLATIVE BOARDS**

3 **SEC. 95.** The Executive Committee of each State or District Legislative
4 Board may be convened by the Director at least forty-five (45) days, where
5 possible, prior to each primary and general election, for the purpose of
6 endorsing candidates for State offices and to make recommendations
7 for candidates for the U.S. Senate and the House of Representatives and
8 to transact such other business as may be necessary.

9 State Legislative Directors will promptly advise the President
10 Transportation Division and the National Legislative Director of all
11 endorsements of State Candidates and recommendations for Members
12 of Congress made by the Executive Committee.

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

An additional Director or Directors may remain at the capital to assist in legislative matters, when recommended by the Executive Committee and approved by the President Transportation Division. They shall perform such duties as may be assigned by the President Transportation Division.

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

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

Part-time State or District Legislative Directors or Assistant Directors may, when recommended by the Executive Committee and

45 approved by the President Transportation Division, visit Locals and
46 appear before commissions or other agencies in SMART’s behalf. They
47 shall be authorized to cooperate with other organizations to this end.
48 They shall perform such other duties as may be required by their Leg-
49 islative Board by-laws and Article Twenty-One B (21B).

50 All proposed legislation shall be submitted to the President Trans-
51 portation Division for approval and copies of all bills introduced which
52 may be detrimental to labor shall be forwarded by Legislative Direc-
53 tors to the President Transportation Division.

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

57 Any Transportation Division member using their influence in the
58 name of SMART to defeat any action taken by the National Legislative
59 Director or a State or District Legislative Board shall, upon conviction
60 thereof, be expelled.

61 Officers and members of State and District Legislative Boards shall
62 be under the direction of, and cooperate with, the National Legislative
63 Director on all National Legislative policies and proposed Federal legis-
64 lation established by the International. They shall cooperate with the
65 Auxiliary and other groups on matters of mutual interest consistent
66 with the legislative policies of SMART Transportation Division.

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

1 **SECTION 96 – VACATIONS – STATE OR DISTRICT**
2 **LEGISLATIVE BOARDS**

3 **SEC. 96.** Full-time officers and employees of State or District Legis-
4 lative Boards shall be granted vacation with pay, consistent with the
5 terms of the appropriate Vacation Agreement, based upon earnings

from their Boards. Such vacations may be split but will not be carried
over from one year to the next.

Officers and members of such Legislative Boards employed on a
part-time basis shall be paid the difference between the amount of
vacation pay allowed by their carrier and the amount of vacation pay
they would have received had their wages with the Legislative Board
been earned with the carrier. However, if they do not work a sufficient
amount of time with their carrier to qualify for a vacation, they shall
be allowed a vacation with pay consistent with the terms of the appro-
priate Vacation Agreement based upon their total earnings with the
carrier and the Legislative Board.

Vacation allowances provided herein shall be paid by the General
Secretary-Treasurer from the appropriate Legislative Board fund upon
approval of the vacation claim by the Chairperson and Secretary of
the Legislative Board. This Section is intended to prevent any loss in
vacation time and pay as a result of serving the Legislative Board.

SECTION 97

SEC. 97. Deleted in its entirety.

SECTION 98

SEC. 98. Deleted in its entirety.

SECTION 99

SEC. 99. Deleted in its entirety.

1 **SECTION 100—DECLARATION OF POLICY OF**
2 **THE TRANSPORTATION DIVISION REGARDING**
3 **INTERNATIONAL EMPLOYEES**

4 **SEC. 100.**

- 5 1. No officer or other representative of SMART
6 shall deny or in any way question the right of
7 Transportation Division employees to:
- 8 a. Join, organize or assist in organizing a labor
9 organization or association of their choice.
 - 10 b. Determine their bargaining representatives in
11 accordance with applicable Federal or State laws.
 - 12 c. Bargain collectively through their duly
13 designated bargaining representatives.
- 14 2. SMART will as a matter of policy maintain for its
15 Transportation Division non-bargaining unit employees
16 the same wages and working conditions presently
17 enjoyed by such employees, including the practice of
18 increasing or decreasing rates of pay based upon general
19 increase or decreases in the pay of train and yard service
20 employees represented by SMART Transportation
21 Division, subject to final budget approval.
- 22 3. Transportation Division employees will receive no
23 preferential treatment based upon membership in
24 SMART or the absence of such membership.
- 25 4. For the information and guidance of Transportation
26 Division officers and employees, the President
27 Transportation Division will compile and publish a
28 manual showing the wages and working conditions

applicable to Transportation Division employees. If and when changes are made appropriate supplements will be issued for inclusion in said manual. All Transportation Division officers and employees will be furnished with copies of this manual and the supplements thereto.

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

ARTICLE TWENTY-TWO (22)

Production Worker Local Unions

SECTION 1 – REPRESENTATION AND BARGAINING

SEC. 1. This Association or any local union chartered for such purpose acting through its or their duly authorized officers or representatives shall have authority to represent and bargain collectively for employees performing production work. Production local unions shall file with the General Office copies of all agreements between them and employers of employees represented by them.

SECTION 2

SEC. 2. The provisions of Sections 1(c), 2, 3(a), 6, 9(f), 9(j), 9(k), 9(r), 10(a), and 10(b), of Article Sixteen (16) and Article Twenty-Six (26) shall not apply to production worker members of production local unions.

The exemption of Article Sixteen (16), Section 10(a), contained in the first sentence of this Section does not apply to such employees of employers engaged in the production or manufacturing field in this industry who are not permitted to work or be sent outside of the shops

16 or plants in which they are employed to perform work except to inspect
17 warranty failure and to supervise the correction of faulty products.

18 **SECTION 3**

19 **SEC. 3.** The special rules specified in this Article shall apply only to
20 production local unions and the members thereof and to production
21 worker members of other local unions and shall not apply to any
22 other local unions or members unless specifically so provided in this
23 Constitution. All of the provisions and requirements of this Constitu-
24 tion governing the administration and operation of local unions and
25 the duties and obligations of officers, representatives, and members
26 thereof except to the extent that they are modified by the provisions
27 of this Article, shall apply to production local unions, the officers, rep-
28 resentatives, and members thereof.

29 **SECTION 4 – GOVERNMENT**

30 **SEC. 4.** Production local unions shall not adopt any rules, regulations or
31 policies which in any way conflict with the provisions or intent of this
32 Constitution nor shall any additional rules or regulations not included
33 in this Constitution be adopted until they have been first submitted to
34 the General Secretary-Treasurer for consideration and official notice of
35 approval received from the General Secretary-Treasurer.

36 **SECTION 5 – REQUIREMENTS**
37 **FOR LOCAL UNION CHARTER**

38 **SEC. 5.** Ten (10) or more persons who qualify for membership in accor-
39 dance with the provisions of Article Sixteen (16) of this Constitution
40 may make application for membership and for a production local
41 union charter.

SECTION 6 – APPLICATION FOR MEMBERSHIP, 42
INITIATION AND INITIATION FEE 43

SEC. 6(a). Initiation. Production local unions may accept an applicant 44
 for membership into the local union if the applicant fulfills the follow- 45
 ing obligations of membership. 46

The applicant completes, signs and forwards to the financial 47
 secretary-treasurer of the local union the standard official form of 48
 application for membership into production local union. Said appli- 49
 cation form shall contain a statement to the effect that they agree to 50
 be governed by the principles and policies of this Association and the 51
 Constitution thereof as they then exist or as they may be changed or 52
 amended thereafter and that they will further abide by the valid rules 53
 and decisions of the local union. 54

SEC. 6(b). Initiation Fee. Each applicant for membership shall be 55
 initiated upon receipt by the local union of their first month's dues 56
 which payment must be made within thirty-one (31) days after they file 57
 their application for membership. 58

Production local unions may charge an initiation fee not more than 59
 Five-Hundred Dollars (\$500.00), nor less than the amount established 60
 by the local union by-laws or policies. Not less than forty-five percent 61
 (45%) of each initiation payment plus the International monthly per 62
 capita dues shall be forwarded to the General Office. The International 63
 initiation fee shall be Eleven Dollars and Twenty-Five Cents (\$11.25) 64
 or forty-five percent (45%) of the local union initiation fee, whichever 65
 is greater, and shall be forwarded to the General Office within six (6) 66
 months after application for membership. 67

At least thirty-five percent (35%) of the fees collected pursuant to 68
 this Section shall be paid to the General Fund and up to five percent 69
 (5%) shall be apportioned on a basis determined by the General 70
 Executive Council between the SMART Local Unions and Councils 71
 Pension Fund (United States) and the SMART Local Unions and 72

73 Councils Pension Fund (Canada) and/or retained as SMART general
74 revenue to pay benefits under the SMART Local Unions and Councils
75 Supplemental Employee Retirement Plan (Canada), and up to five
76 percent (5%) shall be paid to the Sheet Metal Workers' International
77 Staff Pension Fund.

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

83 **SEC. 6(c).** The financial secretary-treasurer shall read the names of
84 the applicants for membership at the next regular meeting of the local
85 union following receipt of the application.

86 **SEC. 6(d).** The financial secretary-treasurer shall read the names of
87 all members initiated since the last regular meeting.

88 **SEC. 6(e).** After the applicant is initiated, the financial secre-
89 tary-treasurer shall so certify over their signature on the standard
90 form of application, affix the seal of the local union, endorse thereon
91 the date of initiation and the amount of initiation fee paid and
92 promptly forward the original official application and obligation to the
93 General Secretary-Treasurer.

94 In the event an applicant is initiated and fails to pay their full initia-
95 tion fee in accordance with the provisions of Section 6(b) herein, they
96 shall be automatically suspended from membership.

97 Anyone who shall certify to any false statement or answer on the
98 official form of application for membership or who shall otherwise
99 by false pretense, misrepresentation, or fraud attempt to secure
100 membership in this Association or any local or council thereof, shall
101 immediately forfeit all rights and further consideration of their appli-
102 cation and forfeit all monies paid by them toward initiation fee.

SECTION 7 – REINSTATEMENT AND REINITIATION FEE

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SEC. 7(a). Production local unions may charge a reinstatement fee of not more than Fifty Dollars (\$50.00), nor less than the amount established by the local union by-laws or policies, of which forty-five percent (45%) shall be sent to the General Secretary-Treasurer as an International reinstatement fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International Staff Pension Fund. In any case such reinstated member shall additionally pay dues in advance beginning with the month in which reinstatement is properly recorded by the General Secretary-Treasurer.

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SEC. 7(b). Production local unions may charge a reinitiation fee not more than Five-Hundred Dollars (\$500.00), nor less than the amount established by the local union by-laws or policies, of which forty-five percent (45%), shall be sent to the General Secretary-Treasurer as an International reinitiation fee. At least thirty-five percent (35%) of the fees collected pursuant to this Section shall be paid to the General Fund and up to five percent (5%) shall be apportioned on a basis determined by the General Executive Council between the SMART Local Unions and Councils Pension Fund (United States) and the SMART Local Unions and Councils Pension Fund (Canada) and/or retained as SMART general revenue to pay benefits under the SMART Local Unions and Councils Supplemental Employee Retirement Plan (Canada), and up to five percent (5%) shall be paid to the Sheet Metal Workers' International

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134 Staff Pension Fund. In any case such reinstated member shall addition-
135 ally pay dues in advance beginning with the month in which reinitiation
136 is properly recorded by the General Secretary-Treasurer.

137 **SEC. 7(c).** The individual reinstating or reinitiating to membership
138 may, at the option of the local union, have a time period of up to twelve
139 (12) months to pay the reinstatement or reinitiation fee.

140 **SECTION 8 – COUNCILS**

141 **SEC. 8.** Production local unions shall be permitted but not required to
142 join any state, provincial, or district council covering the territory in
143 which such production local unions are located.

144 **SECTION 9 – DUES PAYMENT**

145 **SEC. 9.** All production local unions shall comply strictly with all
146 provisions and requirements of this Constitution with regard to the
147 payment of dues and other obligations and the proper acknowledge-
148 ment and recording of same on official receipts in triplicate form
149 prescribed by the General Secretary-Treasurer.

150 **SECTION 10 – TRANSFER**

151 **SEC. 10(a).** Production worker members shall have the right to trans-
152 fer from one production worker local union to another or to a mixed
153 local union as a production worker in accordance with the require-
154 ments of Section 9 of Article Sixteen (16), but shall not be permitted to
155 transfer to a building and construction trades local union as a building
156 tradesman, except as provided in Section 10(b) of this Article.

157 **SEC. 10(b).** No production worker member shall be entitled to
158 transfer to a building and construction trades local union as a building
159 tradesman unless, after appearance before an examining board of
160 the building and construction trades local union, they are able to
161 demonstrate that they are capable of performing the type of sheet

metal work coming within the jurisdiction of such local building and construction trades union in accordance with the standards of workmanship established by such local union. Any production worker member who is admitted by transfer card to any local union of this Association shall pay to said local union the difference, if any, between the amount of initiation fee actually paid prior to their transfer as recorded in the General Office and the established initiation fee of the local union in which their transfer card is deposited and accepted.

SECTION 11 – UNION EMPLOYER

SEC. 11. No shop, plant, facility or subdivision thereof shall be considered “Union” unless the employer is a party to a collective bargaining agreement with this Association or one of its affiliated local unions which provides that all employees in the collective bargaining unit shall become and remain members of this Association except that, in those states in which a union shop agreement is contrary to law, the requirements of this Section will be satisfied if all employees within the unit have voluntarily become and remain members of this Association.

SECTION 12 – STEWARDS

SEC. 12. Such stewards as may be necessary to properly perform the applicable function and duties as described in Section 2 of Article Fifteen (15) shall be appointed by the business manager, or by the president if there is no business manager. The requirement in Article Twelve (12), Section 3 of two (2) years’ continuous good standing in the local union shall not apply to this Section.

SECTION 13–WITHDRAWAL CARDS

SEC. 13(a). Eligibility. Except as otherwise provided in this Section, any member in good standing who leaves the trade as a sheet metal worker and accepts employment in other industries or in other trades

190 shall, subject to the provisions of this Constitution, immediately make
191 application for and be issued a withdrawal card. No member in good
192 standing against whom charges are pending or not disposed of shall
193 be entitled to a withdrawal card. The General Secretary-Treasurer shall
194 invalidate a withdrawal card upon receiving notice that a member on
195 withdrawal card is performing work covered by the claimed jurisdic-
196 tion of this Association.

197 **SEC. 13(b). Application.** Application for withdrawal cards shall be
198 made to the financial secretary-treasurer of the local union of which
199 the applicant is a member. Such application shall be accompanied by
200 payment of all dues, fees, and other financial obligations due the local
201 union and this Association to and for the month in which the with-
202 drawal card is issued, plus a Five Dollar (\$5.00) withdrawal card fee.

203 **SEC. 13(c). Employee Stock Ownership Plan (ESOP).** A member
204 who acquires stock ownership with a signatory employer pursuant to
205 an ESOP negotiated with the member's local union shall be prohibited
206 from receiving a withdrawal card.

207 **SEC. 13(d). Rights and Duties.**

- 208 **1. Reinstatement.** A member on withdrawal card who is eligible
209 for membership who wishes to return to employment as a sheet
210 metal worker and become reinstated to membership, shall have
211 the right to deposit their withdrawal card with the local union
212 which issued the same and apply for reinstatement. The fee for
213 reinstatement on a valid withdrawal card shall be a minimum of
214 Fifteen Dollars (\$15.00), and a maximum of Fifty Dollars (\$50.00)
215 of which forty-five percent (45%) shall be sent to the General
216 Secretary-Treasurer as an International reinstatement fee. At
217 least thirty-five percent (35%) of the fees collected pursuant to
218 this Section shall be paid to the General Fund, and up to five
219 percent (5%) shall be apportioned on a basis determined by the
220 General Executive Council between the SMART Local Unions

and Councils Pension Fund (United States) and the SMART	221
Local Unions and Councils Pension Fund (Canada) and/or,	222
retained as SMART general revenue to pay benefits under the	223
SMART Local Unions and Councils Supplemental Employee	224
Retirement Plan (Canada), and up to five percent (5%) shall be	225
paid to the Sheet Metal Workers' International Staff Pension	226
Fund. The General Secretary-Treasurer may reduce or waive the	227
withdrawal reinstatement fee for a local union, upon request.	228
Deposit of withdrawal card for purpose of reinstatement	229
may be made by mail or by other method of delivery.	230
If the local union which issued a withdrawal card has ceased to	231
exist, the holder of such card, if eligible for membership, who	232
desires reinstatement shall deposit same with any local union	233
and apply for reinstatement.	234
2. Penalties. Any member who fails or refuses to request and	235
receive a withdrawal card in accordance with the provisions of	236
this Constitution within thirty (30) days from the change of their	237
employment status, as provided herein, shall not be permitted to	238
pay any further dues or fees to their local union or this Association	239
and at the expiration of two (2) months from the date of this	240
change of employment status shall automatically forfeit their	241
membership and all of the rights and privileges in connection	242
therewith. In the event the holder of a withdrawal card fails or	243
refuses to comply with the conditions provided in this Section,	244
the local union issuing the withdrawal card or the General	245
Secretary-Treasurer, shall cancel same and no privileges and	246
benefits in connection therewith shall be reinstated except upon	247
reinitiation in accordance with the provisions of this Constitution.	248
Notice of any cancellation of withdrawal card shall be sent to	249
the individual involved and to the General Secretary-Treasurer.	250

ARTICLE TWENTY-THREE (23)

Pre-apprentices and Apprentice-Members

SECTION 1

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2 **SEC. 1.** Any person meeting all the requirements and qualifications
3 of the local union apprenticeship standards shall make application
4 of apprentice-membership and immediately be admitted to
5 apprentice-membership in such local union, and begin payment
6 of apprentice-membership dues and per capita dues unless prohib-
7 ited by law.

8 If the apprenticeship committee cancels the apprenticeship agree-
9 ment, the apprentice-member shall forfeit apprentice-member status.

10 Once an applicant becomes an apprentice-member they shall take
11 the verbal oath of obligation of membership either at a local union
12 membership meeting or apprenticeship meeting or class, and shall
13 make the acknowledgements set forth in Article Sixteen (16), Section
14 3(a). A designated local union officer shall administer the oath. The
15 apprentice-member shall also sign a copy of the oath of obligation,
16 which a union officer shall witness.

17 Upon completion of all requirements of the apprenticeship program,
18 the apprentice shall then fulfill all remaining requirements, if any, of
19 initiation as required by this Constitution and the local union.

SECTION 2

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21 **SEC. 2(a).** All apprentice-members shall pay the initiation fee estab-
22 lished by the local union for apprentice-members in which they are
23 indentured, forty-five percent (45%) of which shall constitute the
24 International initiation fee. At least thirty-five percent (35%) of the fees
25 collected pursuant to this Section shall be paid to the General Fund
26 and up to five percent (5%) shall be apportioned on a basis deter-
27 mined by the General Executive Council between the SMART Local

Unions and Councils Pension Fund (United States) and the SMART 28
 Local Unions and Councils Pension Fund (Canada) and/or retained as 29
 SMART revenue to pay benefits under the SMART Local Unions and 30
 Councils Supplemental Employee Retirement Plan (Canada), and up 31
 to five percent (5%) shall be paid to the Sheet Metal Workers' Inter- 32
 national Association Staff Pension Fund. Such initiation fee shall be 33
 paid over the term of and prior to completion of their apprenticeship 34
 except that the local union may extend the period during which said 35
 initiation fee must be paid for a period not to exceed ninety (90) days 36
 after completion of their apprenticeship. 37

SEC. 2(b). Local unions shall establish the dues of apprentice- 38
 members but in no case shall the rate be less than minimum dues, 39
 payment of which will commence with the beginning of the first year 40
 of apprenticeship. 41

SEC. 2(c). All monies paid by apprentice-members except for a 42
 monthly International per capita dues and a local working assessment, 43
 if any, shall be credited to their initiation fee, unless that fee is paid in 44
 full before the apprentice-member completes their apprenticeship in 45
 which case such monies shall be treated as union dues. 46

SEC. 2(d). Apprentice-members and pre-apprentice members shall 47
 be subject to the provisions of Article Sixteen (16), Sections 11 and 12(a), 48
 concerning suspensions and reinstatement. 49

SEC. 2(e). Within ninety (90) days, all pre-apprentices shall pay the 50
 initiation fee established by the local union and begin payment of 51
 pre-apprentice membership dues and per capita dues unless prohib- 52
 ited by law. Forty-five percent (45%) of the fee shall be remitted to the 53
 International Association. At least thirty-five (35%) of the fees collected 54
 pursuant to this Section shall be paid to the General Fund and up to 55
 five percent (5%) shall be apportioned on a basis determined by the 56
 General Executive Council between the SMART Local Unions and 57
 Councils Pension Fund (United States) and the SMART Local Unions 58
 and Councils Pension Fund (Canada) and/or retained as SMART 59

60 general revenue to pay benefits under the SMART Local Unions and
61 Councils Supplemental Employee Retirement Plan (Canada), and up
62 to five percent (5%) shall be paid to the Sheet Metal Workers' Interna-
63 tional Staff Pension Fund. All monies paid by the pre-apprentice shall
64 be credited towards their initiation fee.

65 SECTION 3

66 **SEC. 3.** All monies accepted from pre-apprentices and apprentice-
67 members, shall be recorded on official SMART receipts designating
68 their status as a pre-apprentice or apprentice-member.

69 SECTION 4

70 **SEC. 4.** Apprentice-members and pre-apprentices shall be entitled to
71 attend all local union meetings with a voice and vote on all matters,
72 with the exception that they shall not be permitted to hold any local
73 union office or represent the local union in any official capacity. They
74 shall be entitled to all constitutional monetary benefits, including
75 strike benefits accorded to other members in good standing under
76 the International Constitution. They shall be eligible to make applica-
77 tion for and be issued a withdrawal card in accordance with Article
78 Sixteen (16), Section 6.

79 SECTION 5

80 **SEC. 5.** No pre-apprentice or apprentice-member shall perform work
81 on any job unless they are under the direct supervision of a qualified
82 journeyperson sheet metal worker, nor shall they be assigned by their
83 employer to work on a job in the jurisdiction of another local union
84 unless permitted by the relevant collective bargaining agreement,
85 where the work is being performed, approved by this Association.

SECTION 6

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SEC. 6. All apprentice-members and/or pre-apprentice members shall be required to attend periodic union orientation meetings which shall be scheduled at least quarterly and be conducted by the local union business manager or their designated representative for the purpose of acquainting them with the history, objectives, benefits and purposes of the labor movement in general, their local union, the International Association of Sheet Metal, Air, Rail and Transportation Workers and to inform them of their rights and obligations under the International Constitution and local union by-laws.

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95**SECTION 7**

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SEC. 7. The local union financial secretary-treasurer shall immediately notify the General Secretary-Treasurer when an indentured apprentice-member enters military service. Apprentice-members who are called to military service may make application for special limited membership or for a special withdrawal card in accordance with the provisions of Article Sixteen (16), Section 8. Apprentice-members who are called to military service must be given the opportunity to complete their apprenticeship, provided that they resume their apprenticeship not later than ninety (90) days after their discharge from military service. Apprentice-members who reapply to resume their apprenticeship more than ninety (90) days after their discharge may be subject to discipline for unauthorized absences, unless they are convalescing from an illness or injury that occurred while in the military.

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109**SECTION 8**

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SEC. 8. An apprentice-member, having been certified by the Local Joint Apprentice Committee as having successfully completed the prescribed apprenticeship program, shall be obligated as a journey person without further membership application or examination by the local union.

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115 **SECTION 9**

116 **SEC. 9.** The special rules in this Article shall apply only to apprentice-
117 members and shall not apply to any other members unless specifically
118 so provided in this Constitution.

119 **SECTION 10**

120 **SEC. 10.** This Article shall not apply to the Railroad apprentices cov-
121 ered under Article Twenty-One A (21A) of this Constitution.

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

1 **SECTION 1**

2 **SEC. 1.** All local unions shall establish and maintain a legitimate
3 organizing and educational program and/or continue any ongoing or
4 previously established organizing and educational programs including
5 apprentice organizing. If a local union does not have an organizing
6 program, the International will bill the local union for the cost of
7 assigning an International Organizer. These programs shall be funded
8 by the local union and may be further funded by an approved organiz-
9 ing grant by the General President. The grant is subject to re-approval
10 annually by the General President and may be rescinded if the
11 subsidized organizer or the local union is not following the organizing
12 policy issued by the International. The grant will pay up to one half
13 (½) of at least one (1) full time local union organizer's annual salary.
14 The grant may be expanded by the General President for local unions
15 with members in both building trades and production to pay up to one
16 half (½) of the annual salary of a second full-time organizer, from the
17 ranks of the production workers, dedicated to organizing production

workers, if warranted by the financial situation of the local union. This salary shall be defined as follows:	18
1. Wage Rate:	20
A. As determined by the local union	21
2. Health and Welfare:	22
A. Contributions to the local union Health & Welfare Trust Fund, or	23
B. Contributions to the National Health Fund (whichever is applicable)	26
3. Pensions—Annuities:	27
A. Contributions to local union pension trust fund and/or	28
B. Contributions to local union annuity funds (where applicable)	30
C. Contributions to the Sheet Metal Workers' National Pension Fund.	32
D. Contributions to the Local Unions and Councils Pension Fund.	34

SECTION 2 35

SEC. 2. All new members and apprentice-members shall receive training in organizing and industry promotional skills which shall cover labor union history, theory and methodology including practical experience in organizing techniques.	36
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ARTICLE TWENTY-FIVE (25) Union Label

SECTION 1

SEC. 1. The General Secretary-Treasurer shall have prepared and registered a trademark label to be known as the Official Union Label, and said union labels shall be for the use of local unions and good standing members thereof, in the manner and within the limitation specified in this Constitution. Union labels shall be of such design, material, or method of application as may be determined by the General Secretary-Treasurer with the approval of the General Executive Council, provided that each union label identify, by serial number or otherwise, the local union to which it was issued.

SECTION 2

SEC. 2. Upon request through the electronic system established by the International, local unions may request union labels which shall be issued and distributed by the General Secretary-Treasurer at list price.

SECTION 3

SEC. 3. Local unions shall require a strict accounting of all union labels issued by them to signatory contractors for use by good standing members thereof and shall require the return of all unused union labels.

SECTION 4

SEC. 4. The use of union labels of this Association is limited to strictly union-made products, manufactured, assembled and fabricated by none but good standing members of a local union affiliated with this International Association and all members must recognize such union label. No union label of this Association shall be applied to any sheet metal work that has not been so manufactured, assembled and fabricated.

SECTION 5

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SEC. 5. The union label may be applied by members of a local union to all sheet metal products actually manufactured, assembled and fabricated within the jurisdiction of and by members of said local union, but no local union or member thereof shall apply the union label to any sheet metal products manufactured, assembled and fabricated outside of their own jurisdiction. The SMART union member stamp shall be applied manually to all drawings, sketching, drafting, detailing, design, redesign and coordination by computer (CAD), manual or otherwise. The stamp shall remain the property of the local union or the International Association.

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36**SECTION 6**

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SEC. 6. Union labels shall remain at all times the property of the International Association and in the custody of the local union, and shall at no time be issued or distributed in any manner that will permit or afford opportunity for them to be used by any other than a member in good standing, provided that if the union label is permitted to be used, or if there is a risk that the union label may be used as a means or for the purpose, intentionally or unintentionally, of deceiving purchasers of fabricated products, sheet metal workers on job sites, or members of the public at large as to whether an item has been made by employees of a signatory employer, or in any other manner not authorized by this Constitution, it may be withdrawn at the sole discretion and direction of the General President or by the local union with the approval of the General President.

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50**SECTION 7**

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SEC. 7. Each local union should urge and encourage the use of union labels on all strictly union-made sheet metal products, and should

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54 urge and educate the public to demand the union label as a guarantee
55 of first class workmanship performed by union labor.

56 **SECTION 8**

57 **SEC. 8.** Union labels shall be furnished by local unions in sufficient num-
58 bers to meet the requirements and conditions specified in this Constitution.

ARTICLE TWENTY-SIX (26)
Union Shop

1 **SECTION 1**

2 **SEC. 1.** A sheet metal shop, manufacturing facility or other business
3 who employs members of this Association will be considered a union
4 facility or business only when the owners sign and remain parties
5 to an agreement with the local union of this Association in whose
6 jurisdiction such shop or business is located and comply with all the
7 obligations therein. No shop, facility or business shall be recognized
8 as union or entitled to the privileges or use of the shop card or label
9 unless it employs workers in good standing and with full membership
10 in this Association on all work covered by Article One (1), Section 5, of
11 this Constitution, and permits not more than one (1) owner, partner
12 or other person directly or indirectly financially interested in the
13 management of such shop or business, other than owner-member(s),
14 to work with the tools of the trade and then in the shop only.

ARTICLE TWENTY-SEVEN (27)

Union Shop Card

SECTION 1

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SEC. 1. The General Secretary-Treasurer shall have prepared, printed and registered a union shop card which shall be issued to local unions at list price.

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SECTION 2

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SEC. 2. The use of said union shop cards shall be limited to this Association and to local unions in good standing, and through them only to employers who sign and comply with all of the provisions and requirements of a union agreement with this Association or with a local union affiliated therewith.

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SECTION 3

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SEC. 3. When authority is given to any employer to use and display the union shop card, said union shop card shall bear the signature of the General President and General Secretary-Treasurer of this Association or the president and financial secretary-treasurer and seal of the local union authorizing its use. Union shop cards shall always remain the property of this Association and authority to use and display same shall be immediately revoked, and said shop card taken up from any shop for failure to conform to any of the conditions specified herein under which the use and display of the union shop card was authorized.

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ARTICLE TWENTY-EIGHT (28)

Standard Form of Union Agreements

SECTION 1

SEC. 1. The desirability of uniformity in local union agreements, particularly with regard to certain basic conditions of employment being recognized, this Association shall prepare and furnish to each local union a uniform Standard Form of Union Agreement for construction to be used in all negotiations with employers.

SECTION 2

SEC. 2. The General Executive Council shall select the most essential terms of the Standard Form of Union Agreement (SFUA), including any amendments, which shall be the basic minimum provisions required of all subordinate bodies negotiating local versions of the SFUA. The General President shall send the basic minimum provisions to each local union and council as well as shall promptly notify each subordinate body of any SFUA changes. No local union shall put into effect any contract provision in conflict with the basic minimum provisions of the SFUA. Each subordinate body shall through electronic means approved by the General Secretary-Treasurer, supply this Association all collective bargaining agreements and wage sheets, including their durations and expiration dates, and shall update the list promptly after any change occurs. Violation of this Section shall be grounds for disciplinary action under Article Seventeen (17).

SECTION 3

SEC. 3(a). No local union or officer, representative or member thereof, shall waive or relinquish claim to any work specified in the jurisdictional claims of this Association as set forth in Section 5 of Article One (1) of

this Constitution, or submit same to arbitration except with the approval and written consent of the General President. 26
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SEC. 3(b). No local union officer or representative shall enter into any agreement with employers which impairs the valid contractual rights of members of other local unions affiliated with this Association or employers with whom such local unions have valid union agreements so long as such contractual rights contained in such local union agreements are not inconsistent with this Constitution and policies of this Association. In the event such agreement is consummated, in addition to other penalties provided in this Constitution, its application shall be confined to the territorial jurisdiction of the signatory local union; and any other local union in whose territorial jurisdiction the signatory employer performs work may, with the approval of the General President, refuse to recognize said employer as a union employer unless they sign the collective bargaining agreement of such local union. The General President shall also have the authority to take such action as they deem necessary, after proper notice according to this Constitution. 28
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SEC. 3(c). It is the policy of this Association to require participation by all United States Building Trades Local Unions in (1) the International Training Institute, a trust fund established in part by this Association for the purpose of assisting in establishing and maintaining programs of apprentice and journey person training and related purposes, (2) the National Energy Management Institute Committee, a trust fund established in part by this Association for the purpose of stimulating projects that will provide work for our members by applying up-to-date technological methods by making buildings more energy efficient, and (3) the Sheet Metal Occupational Health Institute Trust, a trust fund established in part by this Association for the purpose of promoting medical screening and medical and scientific research related to asbestos and other occupational health hazards in the Sheet Metal Industry. Building trades local unions shall adopt and maintain participation in the designated trust funds at the 43
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58 appropriate contribution rates for building trades journeypersons and
59 apprentices at a minimum and additional classifications in the dis-
60 cretion of the General President as a condition of affiliation with this
61 International Association. Any such local union that fails to negotiate
62 into collective bargaining agreements with its employers participation
63 in any of these mandatory trust funds shall become liable individu-
64 ally for the contributions thereto that would have been made by its
65 signatory employers if they were participants therein, and the General
66 Secretary-Treasurer shall be entitled to refuse to accept and record per
67 capita dues forwarded by any such local union unless it also forwards
68 to the trust fund involved a sum of money equivalent to the contribu-
69 tions on behalf of its members which would have been payable by its
70 signatory employers if they were participating therein.

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SECTION 4

72 **SEC. 4.** Local unions shall file with the General Office in an elec-
73 tronic format approved by the General Secretary-Treasurer signed
74 copies of union agreements with a record of all employers party
75 thereto, in all cases where contractual relations have been estab-
76 lished under said agreement.

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SECTION 5

78 **SEC. 5.** Should the local union and the employers fail to agree upon
79 terms and conditions of employment, the local union shall immedi-
80 ately notify the General Secretary-Treasurer in writing, with a detailed
81 report of negotiations and developments to date. If circumstances
82 warrant, an International Representative may be assigned by the Gen-
83 eral President to render assistance and help negotiate an agreement.

ARTICLE TWENTY-NINE (29)

Delegates to AFL-CIO and Members on Special Assignment from International Association

SECTION 1

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SEC. 1. Delegates to conventions of the American Federation of Labor and Congress of Industrial Organizations and its Departments and all members on special assignment for the International Association, except full-time General Officers under salary, shall receive Two Hundred and Fifty Dollars (\$250.00) per day as compensation and One-Hundred Dollars (\$100.00) per day for expenses and in addition thereto, reasonable cost of lodging and air transportation.

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ARTICLE THIRTY (30)

Strikes

SECTION 1 – STRIKE/DEFENSE FUND

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SEC. 1. The General Secretary-Treasurer shall set aside from each monthly individual International per capita dues, the sum of Seventy-Five Cents (\$0.75), in a fund designated and known as the Strike/Defense Fund and to pay from such fund the benefits provided in this Article.

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In the event the amount of money in the Strike/Defense Fund exceeds an amount which the General Executive Council deems sufficient to maintain the integrity of the Fund, the General Secretary-Treasurer with the approval of the General Executive Council is authorized to transfer any part of said excess amount to the General Fund.

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11 **SECTION 2 – NATIONAL JOINT ADJUSTMENT**
12 **BOARD EXPENSES**

13 **SEC. 2.** The expenses of the International Association directly related
14 to the meetings of the National Joint Adjustment Board shall be
15 funded by the Strike/Defense Fund. In addition, this Fund shall
16 reimburse the normal expenses incurred for travel, hotel and meals
17 by one (1) representative from the local union to travel to the appro-
18 priate meeting of the National Joint Adjustment Board to present a
19 case brought under Article Ten (10), Section 8, of the Standard Form of
20 Union Agreement.

21 **SECTION 3 – STRIKES**

22 **SEC. 3(a).** The authority or consent of the International Association
23 shall not be required for a local union to call a strike following the
24 termination or expiration of a collective bargaining agreement.

25 No cessation of work through strike or otherwise shall be per-
26 mitted or ordered by a local union or any officer or officers thereof
27 unless it is authorized and approved at a special meeting called
28 for the purpose of voting on the question of whether such strike
29 is advisable or desirable. Notice of the time and place and purpose
30 of such meeting shall be given to each member and it shall require
31 two-thirds (2/3) vote by secret ballot of all members present at such
32 meeting to legally declare a strike.

33 In any dispute which does not arise out of a notice to terminate or to
34 reopen an existing collective bargaining agreement, the General Presi-
35 dent may order and direct the local union and the members thereof to
36 refrain from cessation of work, or in the event of a strike, to direct the
37 members to return to work if, in their judgment, such strike or threat-
38 ened strike is a violation of an existing collective bargaining agreement
39 or this Constitution or the policies of this International Association.

SEC. 3(b). When a local union strike has been approved in the manner provided in Section 3(a) of this Article, official notice thereof shall be filed with the General Secretary-Treasurer with the record of the effective date of said strike, and the purpose thereof.

SECTION 4 – STRIKE BENEFITS

SEC. 4(a). In the event a local union desires to seek strike benefits, application therefore shall be filed with the General President in sufficient time prior to the strike date to permit them to approve or disapprove such application before the strike occurs. No strike benefits shall be paid if a strike occurs prior to the approval of the payments of such benefits by the General President.

SEC. 4(b). This Association shall not be under obligation to pay strike benefits in any particular strike. Such benefits shall be paid solely in the discretion of the General President and then only subject to the terms and conditions provided for in this Article, except that the General President may in extenuating circumstances waive the requirements of Section 4(c) of this Article concerning when strike benefits begin and payment of benefits for fractional weeks.

SEC. 4(c). If the strike is approved by the General President for the purpose of strike benefits, such benefits shall be paid through the local union involved on the basis of not more than Three Hundred Dollars (\$300.00) per week for each good standing member actually participating in the strike. Benefits shall begin at the end of the second full week of the strike and continue thereafter for such period as may be determined by the General President or General Executive Council. No strike benefits shall be paid for any fractional part of a week.

SEC. 4(d). No member shall be eligible for strike benefits unless prior to the strike their dues and other obligations have been actually paid and properly recorded on official receipt, in accordance with the provisions of this Constitution, at least for the current month in which the strike occurs, and in advance, for at least each current month

71 thereafter during the period of strike, unless the member is on dues
72 check off. If dues have been withheld from the employee's wages by
73 their employer pursuant to a valid check off authorization, and the
74 company has failed to remit the dues prior to the strike, the member
75 will be eligible for strike benefits if their dues are paid for the month
76 prior to the strike. A member on dues check off must then continue
77 to pay their dues for each month thereafter during the period of the
78 strike but is not responsible for the month of dues withheld by their
79 employer. Members who fail to comply with said requirements shall
80 forfeit all rights to strike benefits.

81 **SEC. 4(e).** When payment of strike benefits has been approved, as
82 provided in this Article, the local union shall file with the General Sec-
83 retary-Treasurer a record of the effective date of the strike, the names
84 and membership numbers of all members participating in the strike,
85 and the date of their current receipt and the period covered by such
86 receipt, together with the names of the employers involved. The local
87 union shall also file with the General Secretary-Treasurer the names
88 of all pre-apprentices who are not yet members and others of a similar
89 status approved by the General President whose participation in sup-
90 port of the strike has been sanctioned by the local union. A like record
91 and report shall be filed with the General Secretary-Treasurer each
92 week thereafter with a record of any settlements reached subsequent
93 to the date of strike. Such reports shall be signed by the president and
94 recording secretary unless one of these officers is not available, then
95 any other elected officer may sign the reports, so as to provide an accu-
96 rate and complete record of the duration of the strike and the period
97 for which each member was involved.

98 **SEC. 4(f).** Strike benefits and donations for strike purposes, when
99 authorized and approved by the General President, shall be paid by
100 the General Secretary-Treasurer through the financial secretary-tre-
101 asurer of the affiliated local union involved, who shall, on receipt of
102 said benefits or donations, immediately record receipt of same on

official receipt either in electronic format or in triplicate form and immediately forward the original of said official receipt to the General Secretary-Treasurer in acknowledgment of monies thus received. The electronic or white duplicate (copy) of said official receipt shall also be included with the next monthly remittance and report sent to the General Secretary-Treasurer.

SEC. 4(g). The General President shall not approve or authorize payment of strike benefits in more than one strike at any one time unless circumstances, in their opinion, warrant and justify such approval and authority, to protect the general welfare of members involved in controversies.

SEC. 4(h). Whenever it is deemed necessary by the General President, they may authorize payments to assist in defraying expenses of a strike committee, whether or not in addition to the strike benefits provided above, in such amounts and by such methods of payment as they may, in their discretion, decide, provided that no such payment shall exceed the sum of One-Hundred Thousand Dollars (\$100,000.00) in any one strike without the approval of the General Executive Council.

SEC. 4(i). An itemized statement of all monies received and disbursed by local unions, in connection with strikes shall be submitted to the General Secretary-Treasurer each week, and any local union which shall fail or neglect to submit such weekly statements shall forfeit all rights to strike benefits or donations and allowances for strike purposes from this Association.

SEC. 4(j). The General President shall have authority to discontinue payments of any or all strike benefits or donations and allowances for strike purposes whenever they deem such action advisable.

SEC. 4(k). Notwithstanding any other provisions of this Article, the General Executive Council shall have the authority to make such adjustments as to the amount of benefits to be paid in specific situations as it may deem necessary, having in mind the need to accumulate

134 a substantial sum in said Fund and the financial conditions of said
135 Fund at the time of such adjustment.

136 **SECTION 5 – LOCKOUTS**

137 **SEC. 5.** In the event of a lockout by the employers the provisions of
138 Section 4 of this Article shall govern insofar as they may be applicable.

139 **SECTION 6 – FINANCIAL ASSISTANCE**

140 **SEC. 6.** When local unions through assessments, voluntary contribu-
141 tions from members, or other appropriate means have established
142 special funds, sometimes known as Defense Funds, to defray the costs
143 of engaging in legally permissible concerted activities including picket-
144 ing directed at non-union or unorganized employers in the sheet metal
145 industry, they may apply for financial assistance from the Strike/
146 Defense Fund when same is necessary to enable such local unions to
147 engage in effective campaigns against such non-union or unorganized
148 employers. Local union requests for such financial assistance for
149 such purpose or for other appropriate purposes for which assistance
150 is warranted shall be directed to the General President who shall be
151 authorized to grant benefits for such purposes in the same manner
152 and under the same procedures as Strike Benefits under this Article.

153 Payment from the Strike/Defense Fund may also be made to
154 members of local unions or other workers engaging in various types
155 of concerted or individual activities supportive of policies endorsed
156 by this International Association provided that a request therefore is
157 submitted by the business manager of the local union to the General
158 President and approved by them.

ARTICLE THIRTY-ONE (31)

Political Action League (PAL)

SEC. 1. Local unions are urged to establish Local PAL Funds which should be created in accordance with provisions of applicable state and local laws, and administered by a Local PAL Committee appointed by the local union business manager. Local PAL funds shall be used solely to make contributions and expenditures in support of or opposition to candidates for state, county, municipal and other non-federal offices in either primary or general elections and in support of or opposition to state, county, municipal and other non-federal issues and membership education and information purposes.

No Local PAL funds shall be used directly or indirectly to make contributions or expenditures in support of or opposition to any candidates for President, Vice President, Senate, House of Representatives or other federal office in either a primary or general election in the United States. All contributions and expenditures in support of or opposition to candidates for federal office shall be made by National PAL. Local unions in Canada are urged to contribute to the SMART Canadian Political Action Fund (PAF) as appropriate under Canadian federal and provincial law, which will make contributions to those candidates for public office who support the aims and goals of SMART locals in Canada. Furthermore, all Local Unions shall establish and maintain a legitimate political action and educational program, and/or continue any ongoing or previously established political action and educational programs consistent with the directives of this International Association.

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ARTICLE THIRTY-TWO (32)

General Convention and Business Managers' and Business Representatives' Conference Fund

1 **SEC. 1.** The General Secretary-Treasurer shall set aside the sum of One
2 Dollar and Fifty Cents (\$1.50) from each monthly individual International per capita dues in a fund designated as the General Convention
3 and Business Managers' and Business Representatives' Conference
4 Fund and to pay from said fund such amount as may be necessary to
5 defray the cost of such International Conventions and Conferences.
6

ARTICLE THIRTY-THREE (33)

Amendments and New Laws

SECTION 1 – AMENDMENTS

1
2 **SEC. 1(a).** Amendments to this Constitution or Ritual may be sub-
3 mitted by any local union or council, the General President, General
4 Secretary-Treasurer, the General Executive Council or by the Constitu-
5 tion Committee.

6 **SEC. 1(b).** Amendments submitted by local unions, councils, Trans-
7 portation Division State Legislative Boards and Transportation Division
8 General Committees must be submitted separately by subject matter
9 in resolution form and sent in triplicate to the General Secretary-
10 Treasurer at the General Office at least sixty (60) days, as shown by
11 postmark or confirmation by courier, prior to the opening of the Con-
12 vention at which such amendments are to be considered unless the
13 requirements of this paragraph are waived by a two-thirds ($\frac{2}{3}$) vote of
14 the delegates in the Convention.

All resolutions proposed by any member of the local union shall be submitted to the local union Executive Board at least thirty (30) days prior to the submission thereof to the local union for consideration.

All resolutions passed by local unions or councils must bear the signature of the president and recording secretary and the seal of the local union or council.

SEC. 1(c). Amendments submitted by the General President, General Secretary-Treasurer or the General Executive Council may be submitted in the form of resolutions or as recommendations contained in their respective reports.

SEC. 1(d). Amendments submitted by the Constitution Committee may be submitted in its report to the Convention.

SEC. 1(e). It shall require a two-thirds ($\frac{2}{3}$) vote of the delegates present at the Convention to enact such amendments.

SEC. 1(f). At any time the General Executive Council, by a majority vote, deems a new law necessary to govern this Association in any matter not provided for in this Constitution, it may recommend and submit same through the General Secretary-Treasurer to local unions for referendum vote, and it shall require a two-thirds ($\frac{2}{3}$) majority of all members voting in referendum to adopt such new law. The General Secretary-Treasurer shall report the result of referendum to local unions.

SEC. 1(g). Proposals for new laws when approved and endorsed by ten (10) or more local unions located in ten (10) or more different states, provinces or territories at regular or special called meetings may be submitted to the General Secretary-Treasurer for consideration by the General Executive Council, and if approved by a majority of the General Executive Council said proposed new laws shall be submitted to a referendum vote in accordance with Section 1(f) of this Article.

SEC. 1(h). New laws when approved and adopted by referendum vote in the manner specified in this Constitution become a part of this Constitution and effective immediately thereafter.

47 **SEC. 1(i).** The General Executive Council shall have authority
48 between Conventions to amend this Constitution in any manner
49 required to remove any conflict between its provisions and those of
50 any federal law without the necessity of the referendum vote required
51 in Section 1(f) of this Article. Notwithstanding any other provision of
52 this Article, the General Executive Council shall have the authority
53 between Conventions to amend Article Twenty-One A (21A) of this
54 Constitution or to amend Article One (1), Section 5 of this Constitution
55 to add (but not delete) work claimed by the Association without the
56 necessity of the referendum vote required in Section 1(f) of this Article.
57 The General Executive Council shall have authority, which it may in
58 its discretion delegate to a subcommittee composed of no fewer than
59 three (3) members, between Conventions to amend this Constitution
60 to correct obvious grammatical or typographical errors, so long as
61 these corrections do not change the meaning of the language being
62 corrected, without the necessity of the referendum vote required in
63 Section 1(f) of this Article. The decision of a subcommittee shall have
64 the same effect, force and authority as a decision of the full General
65 Executive Council.

ARTICLE THIRTY-FOUR (34)

SECTION 1 – INVALIDITY

1
2 **SEC. 1.** In the event any Article or Section of this Constitution or any
3 portion thereof shall be or become legally invalid or unenforceable,
4 such invalidity or unenforceability shall not affect or invalidate any
5 other Article or Section of this Constitution or any portion thereof.

SECTION 2 – GENDER NEUTRAL

6
7 **SEC. 2.** Whenever in this Constitution a masculine noun or pronoun
8 is used it shall include all persons whenever such interpretation is
9 consistent with sound construction.

Throughout the SMART Constitution, all references shall be	10
changed as follows:	11
▪ All references to “general chairman” or “general chairmen” be	12
changed to “general chairperson” or “general chairpersons”	13
▪ All references to “chairman” be changed to “chair”	14
▪ All references to “journeyman” or “journeymen” be	15
changed to “journeyperson” or “journeypersons”	16
▪ All references to “he” or “him” or “his” or “himself”	17
or “she” or “her” or “herself” be changed to “they”	18
or “them” or “their” or “themselves”	19

ARTICLE RITUAL

INITIATION CEREMONIES

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Except as provided in Section 6 of Article Twenty-Two (22), applicants for membership who have complied with all requirements of this Constitution and whose applications have been accepted may be obligated by the president or presiding officer of the local union either at a local union meeting or meeting of the local union Executive Board.

At the appointed time for initiation, the president or presiding officer shall then address the applicants for membership, as follows:

“Your official form of application for membership in this local union chartered by and affiliated with the International Association of Sheet Metal, Air, Rail and Transportation Workers has been accepted by this local union, with the understanding that the answers submitted by you over your signature to questions contained in official form of application are true and accurate in every respect. You have signified in your application that you are familiar with and willingly subscribe to all of the provisions and requirements of the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers. We will now administer the obligation of membership after which you will sign this same obligation as a matter of record. Repeat after me the following obligation of membership, mentioning your name where I mention mine.

“I, _____, hereby certify that I am familiar with and willingly agree to abide by all of the provisions and requirements of the SMART Constitution. In consideration of the acceptance of my application and being obligated as a member, I hereby agree to remain loyal to the principles and policies and to be governed by the SMART Constitution.

I further agree to respect elected officers, brother and sister members, and to honor all local union rules and regulations not in conflict with this Constitution, to uphold the authority of the president,

business manager, business representatives, and other elected officials, 31
 and to always conduct myself in a manner which holds the Union in 32
 the highest regard. I agree to work faithfully to protect and defend the 33
 rights of all of our members, and to display a positive attitude when 34
 representing the Union in any way. Finally I agree to devote myself to 35
 the betterment of the Union and remain steadfast in my support and 36
 defense of the working rules, working conditions, wages and fringe 37
 benefits negotiated for me by my Local Union, and that by this oath 38
 taken I am duly obligated to all articles and sections of the SMART 39
 Constitution and Ritual.” 40

After the obligation of membership has been administered orally 41
 to the applicant, the president shall rap twice with their gavel and 42
 request all members to be seated. The applicant shall then affix their 43
 signature to the obligation of membership and the presiding officer 44
 and financial secretary-treasurer shall affix their signatures thereto as 45
 attesting witnesses, after which the president or presiding officer shall 46
 address the applicant as follows: 47

“I now declare you duly obligated. You are already familiar with your 48
 duties, obligations, rights and privileges specified in our Constitution. 49
 You will, therefore, be governed accordingly. I now desire to give you 50
 the following instructions: 51

“Your official dues receipt recording actual payment of dues in 52
 advance in accordance with our Constitution will establish your 53
 identity to the conductor prior to the opening of meetings. Should 54
 you desire to gain admission to the hall after the meeting has started, 55
 present your official dues receipt to the warden and if you are in good 56
 standing they will admit you. Should you be without official dues 57
 receipt, the warden will report your name and membership number 58
 to the financial secretary-treasurer and if you are in good standing 59
 and entitled to admission, they will so inform the president who shall 60
 instruct the warden to admit you. Should you desire to retire while 61
 the meeting is in session, rise and ask permission of the president. The 62

63 usual voting sign is made by the elevation of the right hand, and is
64 used in voting in favor of or against all questions.”

65 The president or presiding officer may then introduce the newly
66 obligated member and declare a short recess to provide opportunity
67 for proper introduction and greeting, after which the president or
68 presiding officer will rap once with their gavel for order, when the
69 members will be seated, and the newly obligated member escorted to
70 the financial secretary-treasurer’s desk to receive instructions regard-
71 ing their financial obligations.

72 In case there is more than one (1) applicant for initiation, the Ritual
73 can be readily changed from singular to plural.

74 **INSTALLATION CEREMONIES**

75 The installing officer shall appoint an assistant and direct the retiring
76 officers to vacate their positions. They shall then direct the newly
77 elected officers to be obligated and installed to be seated together. They
78 shall then proceed to administer the obligation, and they shall direct
79 each newly elected officer to place their right hand on their left breast
80 and repeat the following obligation.

81 **OBLIGATION OF LOCAL UNION OFFICERS, BUSINESS** 82 **MANAGERS AND BUSINESS REPRESENTATIVES**

83 In the presence of the members of this _____ I, _____ cer-
84 tify that I am familiar with the provisions of the SMART Constitution
85 and I do hereby pledge myself to perform the duties of the office to
86 which I have been elected, in the manner specified by the SMART Con-
87 stitution; that I will be faithful and regular in attendance at meetings
88 unless prevented by cause beyond my control; that in the performance
89 of all of my official duties I will require all members to comply fully
90 with their duties and obligations and will give due consideration to the
91 rights of all members without prejudice and without exception; that I
92 will deliver to my successor all books, papers, monies, or other property

of this local union which may be in my possession at the close of my official term, all in accordance with this pledge and obligation taken. 93
94

OBLIGATION OF GENERAL OFFICERS 95

In the presence of the delegates of the International Association of Sheet Metal, Air, Rail and Transportation Workers here assembled in Convention, I, _____, do hereby certify that I am familiar with the provisions of the SMART Constitution and I do hereby pledge myself to perform the duties of the office to which I have been elected, during my official term and in the manner specified by the SMART Constitution, and that in the performance of my official duties I will require all members to comply fully with their duties and obligations and will give due consideration to the rights of all members without prejudice and without exception, and that I will deliver to my successor all books, papers, monies, or other property of this Association which may be in my possession at the close of my official term, all in accordance with this pledge and obligation taken. 96
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PARLIAMENTARY RULES 109

1. On motion, the regular order of business may be suspended by a two-thirds ($\frac{2}{3}$) vote of the meeting, and, at any time, to dispose of any urgent business. 110
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2. All resolutions and regulations must be submitted in writing. 113
3. Any conversation by whispering or otherwise, which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order. 114
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4. Sectarian discussion shall not be permitted in the meeting under any circumstances. 117
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- 119 5. All questions of a parliamentary nature not provided for
120 in these Rules shall be decided by the most current edition
121 of Robert's Rules of Order, Newly Revised, 10th Edition,
122 currently published by DaCapo Press, Perseus Books Group.
- 123 6. A motion to be entertained by the presiding officer must
124 be seconded, and the mover as well as the seconder
125 must arise and be recognized by the Chair. The presiding
126 officer shall entertain all motions properly made and
127 seconded which are not dilatory, frivolous or absurd.
- 128 7. Any member having made a motion can withdraw it by
129 the consent of their second, but a motion once debated
130 cannot be withdrawn except by a two-thirds ($\frac{2}{3}$) vote.
- 131 8. A motion to amend an amendment shall be in
132 order, but no motion to amend an amendment
133 to an amendment shall be permitted.
- 134 9. Any member may call for a division of a question
135 when the sense will admit thereof.
- 136 10. A motion shall not be subject to debate until
137 it has been stated by the Chair.
- 138 11. When a member wishes the floor they shall rise and
139 respectfully address the Chair and, if recognized by
140 the Chair, they shall be entitled to the floor.
- 141 12. If two or more members rise to speak at the same time,
142 the Chair shall decide which is entitled to the floor.
- 143 13. Each member, when speaking, shall confine
144 themselves to the question under debate and avoid
145 all personal, indecorous and sarcastic language.

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| 14. No member shall interrupt another while speaking except to make a point of order, and they shall definitely state the point, and the Chair shall decide the same without debate. | 146
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| 15. If a member has been granted the privilege of the floor and while speaking is called to order, they shall take their seat until the point of order is decided, when, if decided in order, they may proceed. | 149
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| 16. If a member shall feel themselves personally aggrieved by the decision of the Chair, they may appeal to the Local Union from the decision. | 153
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| 17. When an appeal is made from the decision of the Chair, the said appeal shall then be stated by the Chair to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of the meeting?" The member will then have the right to state the grounds for their appeal, and the Chair will give the reasons for their decision; the Union will proceed to vote on the appeal without further debate, and it shall require a majority vote to sustain the appeal. | 156
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| 18. No member shall speak more than once on a subject until all members desiring the floor shall have spoken, nor more than twice without unanimous consent, nor more than five minutes at any one time. | 164
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| 19. The presiding officer shall not speak on any subject unless they retire from the Chair, except on point of order and appeals from the decision of the Chair, and in case of a tie they shall cast the deciding vote. | 168
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- 172 20. When a question is before the meeting, no motion shall
173 be in order except (1) To adjourn. (2) To lay on the table.
174 (3) For the previous question. (4) To postpone to a given
175 time. (5) To refer or recommit. (6) To amend. And these
176 motions shall have precedence in the order herein arranged.
177 The first three of these motions are not debatable.
- 178 21. When the previous question is moved and seconded, it shall
179 be put in this form: Shall the main question now be put? If
180 this is carried, all further motions, amendments and debate
181 shall be excluded and the main question put without delay.
- 182 22. If a question has been amended, the question on
183 the amendment shall be put first. If more than one
184 amendment has been offered, the question shall then
185 be put as follows: (1) Amendment to the amendment.
186 (2) Amendment. (3) Original proposition.
- 187 23. When a question is postponed indefinitely, it shall not
188 come up again except by a two-thirds ($\frac{2}{3}$) vote.
- 189 24. A motion to adjourn shall always be in order, except: (1) When
190 a member has the floor. (2) When members are voting. (3)
191 When it has been decided to take the previous question.
- 192 25. Before putting the question to vote the presiding officer shall
193 ask: "Is the Union ready for the question?" Then it shall be
194 open for debate. If no member rises to speak, the presiding
195 officer shall then put the question in this form: All in favor of
196 the motion will give the voting sign, and after the affirmative
197 vote is expressed, those opposed, the same sign. After the
198 vote is taken they shall immediately announce the result.

26. When the presiding officer has commenced taking a vote, no further debate or remarks shall be allowed unless a mistake has been made; in which case the mistake shall be rectified and the presiding officer shall again take the vote. 199
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27. Before the presiding officer declares the vote on a question, any member may ask a division of the house, then the Chair is duty bound to comply with the request, and a standing vote shall be taken and the Conductor shall count the same. 203
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28. Every member present shall vote on all questions before the Union, unless personally interested or excused by the Union. 207
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29. When a blank is to be filled, the question shall be taken, first upon the largest sum or number, or the longest or latest time. 209
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30. When a question has been decided, it can be reconsidered only at the same meeting or on the next regular meeting night. 211
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31. A motion to reconsider must be made and seconded by two (2) members who voted with the majority. 213
214
32. All questions, unless otherwise provided, shall be decided by a majority of all votes cast. 215
216

**APPENDIX
APPENDIX PASSED AT THE 36TH
GENERAL CONVENTION IN NEW YORK CITY
ON FRIDAY, SEPTEMBER 3, 1982**

RESOLUTION #78

1
2 **WHEREAS**, Many thousand members of this International Association
3 and millions upon millions of working men and women in the
4 United States and Canada are unemployed today and too many have
5 suffered a discouraging, prolonged period of unemployment brought
6 about by high interest rates and other economic problems besetting
7 both countries; and

8 **WHEREAS**, In addition to high interest rates, the growing encroach-
9 ment of non-union competition and non-union element created by
10 the popular expansion of double-breasted operations has pushed the
11 unemployment in the construction industry to a shocking percentage
12 above the national average of any other industry; and

13 **WHEREAS**, Viable programs must be established to meet this non-
14 union competition and insure survival of union contractors; and

15 **WHEREAS**, This International Association and its affiliated local
16 unions must, once again, take the initiative in meeting these challenges
17 on behalf of our members and to set an example for all building and
18 construction trades unions; therefore,

19 **BE IT RESOLVED**, That the delegates to this Convention go on
20 record to urge all local unions that wherever it is necessary to combat
21 the non-union element that they adopt the various addendums and
22 Specialty Agreements designed by this International Association to
23 combat the non-union element and to recoup work for our members
24 by making union contractors more competitive; and

25 **BE IT FURTHER RESOLVED**, That Local Union Business Managers be
26 empowered to expand on said addendums and Specialty Agreements or

to take whatever steps necessary, including additional flexible conditions	27
on particular jobs sometimes known as “pin-pointing,” to ensure that	28
such work will be captured for our members; and	29
BE IT FURTHER RESOLVED, That local unions encourage their sig-	30
natory contractors to cooperate fully on a local national level to achieve	31
our goal for full employment for all members.	32

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