

Firemen & Oilers, Local No. 3, of Boston and Vicinity

BY-LAWS

BY-LAWS

ARTICLE I

SECTION 1: This Local shall meet the fourth Wednesday of January, March, May, September and November. In the event that a special meeting is called all members must be notified. Meetings shall start at 6:00 p.m. unless otherwise notified.

SECTION 2: Fifteen members shall constitute a quorum.

SECTION 3: The Executive Board shall meet the fourth Wednesday of every month unless otherwise notified.

SECTION 4: Any officer, Executive Board Member or Delegate to Central Body, absenting himself from three consecutive meetings shall be notified by the Recording Secretary to appear before the Board and explain why he is not attending to the duties of his office. If the Board decides the explanation is not valid, or if he does not appear after being so notified, the Board shall recommend his removal from office.

SECTION 5: Any member acting in a disorderly manner during the meeting shall be called to order by the presiding officer. Refusal by the member to come to order shall be cause for the President to request the Sergeant-at-Arms to remove said member from the meeting.

SECTION 6: All questions pertaining to Parliamentary Law, not provided for in these By-Laws, shall be decided by Robert's Rules of Order.

SECTION 7: It shall be the duty of every member of this Local to notify the office twenty-four (24) hours previous to leaving his place of employment and immediately if discharged.

SECTION 8: Every member must notify the office when changing his address.

SECTION 9: No member shall take the place of any member of this or a sister Union who may be out on strike or lock-out, under penalty of a fine of \$100.00, expelled from membership, or both.

SECTION 10: No assessment shall be levied by this Local, unless two (2) weeks notice be given at a regular meeting, in writing, and the purpose for which it is to be used stated. A majority vote at the next regular meeting shall be required to make it legal. All members in good standing shall be notified of said meeting. This rule does not apply to International Assessments.

SECTION 11: All resolutions must be in writing and read at the regular meeting and referred to the Executive Board.

SECTION 12: Shop Stewards shall be elected by majority vote of members in their bargaining unit. Such Shop Stewards shall be held directly responsible to the Local for the conduct of the

men in the plants where they have been elected, and members in such plants must obey and respect these Stewards the same as any other officer of this organization. Stewards' responsibilities and duties shall include but not be limited to assisting the Local President in investigating and processing grievances and disciplinary appeals and in negotiating agreements, and maintaining communications between the members of the Local at a particular workplace and the Local. Shop Stewards will attend all regular and special meetings of the Local together with meetings of their respective units. They shall handle all grievances properly submitted in conformity with the applicable contract; they shall report to the Local office any violation of the contracts or Constitution and Bylaws and shall check the standing of all men in their unit.

Shop Stewards will not hold their position as Steward for more than three (3) years without another election. In the event no candidate receives a majority, the candidate receiving the lowest number of votes shall be dropped and new balloting shall occur amongst the remaining candidates until a Steward is elected. Stewards shall be subject to recall by submitting a petition to the Local President signed by 60% of members in a work site or specifically defined unit. Should a steward's position become vacant for any reason, the Local shall arrange for the election of a new steward to complete the remainder of the vacant position's term. Such stewards shall assume their responsibilities immediately upon their election.

If the Chief Steward attends all meetings, he shall be reimbursed for the dues he paid during the year. The dues will be reimbursed for the prior year in March of the year following. The Recording Secretary shall keep the attendance record. Stewards must sign in at each meeting as proof of attendance.

SECTION 13: All agreements entered into between the Local and an employer must be in writing and signed by the Business Agent and the Employer concerned.

SECTION 14: This Local shall be affiliated with the following: Greater Boston, Massachusetts Labor Council, AFL-CIO; Massachusetts State Labor Council, AFL-CIO, and the Boston Maritime Council, AFL-CIO.

ARTICLE II

Section 1: Any condition arising for which no provision is made in these Bylaws, the President shall have the right to put the question for immediate action by the Union, to the extent consistent with the SEIU Constitution, and the policies and regulations established by SEIU.

ARTICLE III

SECTION 1: These Bylaws shall be in force and effect on and after May 24, 2023 until repealed or amended according to Section 2 of this Article. All former Constitution and Bylaws are hereby declared null and void.

SECTION 2: This Constitution and By-Laws may be repealed, altered or amended by the following method of procedure: Proposed changes shall be submitted in writing and read in two consecutive meetings of the Local. The Recording Secretary shall then mail notices to all members in the Local, in good standing, of the proposed changes and the same will be voted on

at the next regular meeting of the Local. The proposed changes shall be adopted only when two-thirds of the members voting vote in favor thereof.

SECTION 3: Every member shall receive a copy of the Constitution and By-Laws. Ignorance of these rules will not be accepted as an excuse.

SECTION 4: No provision contained in the Bylaws of the Firemen & Oilers, Local No. 3 of Boston and Vicinity, AFL-CIO, shall be construed to be in conflict with the laws of the City, State or Federal Government, nor with the rules and regulations promulgated in the SEIU Constitution.

APPROVED BY: _ Motion to adopt amendments made by Jeremy DaCruz, seconded by Lisa Ireson,
Passed by vote of those present at the May 24, 2023 Membership Meeting.

DATE: May 24, 2023

**Firemen & Oilers, Local No. 3, of Boston and
Vicinity**

CONSTITUTION

CONSTITUTION

ARTICLE I

NAME

SECTION 1: This Union shall be known as the Firemen & Oilers, Local No. 3, of Boston and Vicinity, (herein, "Local") affiliated with the Service Employees International Union (SEIU).

SECTION 2: This Union shall be composed of, but not limited to, competent firemen, stationary engineers, boiler operators, operators, water tenders, boiler washers, helpers, oilers, utility men, heating ventilating and air conditioning mechanics, maintenance men, mechanics and maintenance laborers, ash handlers and coal passers, when employed in or around the boiler and engine room or other steam or power generating equipment or refrigeration or air conditioning equipment, or pollution control equipment, and such other employees in industry, federal, state or local governments, operations agencies, school boards, commissions or authorities as may express a desire to be represented for the purpose of collective bargaining by this Union.

SECTION 3: This Local Union has enacted this Constitution and By-Laws for the government thereof, and is approved by the International President. The International President shall have the continuing authority to direct the Local Union to make any changes in the provisions of this Constitution and By-Laws, which conflict with existing laws. The Local Union, its officers, representatives and members shall be bound by the provisions of this Constitution.

The money and property of the Local Union shall be used solely for the benefit of the Local Union and shall be used only for purposes as are permitted or required by this Constitution. The officers, agents, representatives and employees of this Local Union who handle its funds and property, shall be held to this standard of conduct and accountable for any breach thereof under this Constitution and as provided by law, and the Officers of this Local Union shall manage, invest and expend its funds in accordance with the applicable provisions of this Constitution and any action taken by the membership of the Local Union not inconsistent with this Constitution and the duly enacted By-Laws.

Except as otherwise provided in this paragraph, the funds of the Local Union derived from sources specified in this Constitution, shall not be used to pay membership dues for the purposes of establishing qualifications for office as provided in ARTICLE II, SECTION 2, nor shall they be appropriated, loaned, donated or disbursed for any purpose except this recognized and necessary operating and organizing expenses of the Local Union, taxes and fees and other obligations due to the International Brotherhood.

SECTION 4: MEETINGS.

The Union will determine the time and place for the holding of its regular meetings. Special meetings shall be called by the Local President upon the request of seven (7) members in good standing or twenty-five percent (25%) of the members in good standing, whichever is the greater.

The call for special meetings shall specify the time, place and purpose thereof, and no subjects other than those specified in the call shall be considered at such meetings.

ARTICLE II

LOCAL UNION OFFICERS

SECTION 1: NUMBER AND TITLES.

The elected officer of this Local Union shall be President, Vice President, Recording Secretary, Secretary-Treasurer, Sergeant-at-Arms, Business Representative and seven (7) Executive Board Members. Three (3) additional members may be appointed by the President, subject to the approval of the Executive Board, if it is determined that it is necessary or desirable in the best interest of the Local Union. The Executive Board shall have the authority to combine not more than two (2) of these officers, when such action is considered desirable for the good and welfare of the Local. Such action shall be approved at the next membership meeting.

SECTION 2: QUALIFICATIONS

Any member, to be eligible to hold elected office in this Local Union, must be in continuous good standing for a period of at least one (1) year. He shall not be eligible for nomination, election or appointment, if he is retired from active full time employment and/or is not working within the collective bargaining jurisdiction of the Local Union or seeking employment therein.

SECTION 3: NOMINATION AND ELECTION

Nomination of Officers of this Local Union shall be held tri-annually on the fourth Wednesday in April. Election of officers of the Local Union shall be held tri-annually on the fourth Wednesday of May.

A reasonable opportunity shall be given for the nomination of candidates;

- (a) elections may be held only after notice thereof has been mailed to each member at his last known address not less than fifteen (15) days prior to said election;
- (b) the election shall be held by secret ballot among the members in good standing except those instances where there is only one (1) nominee for the office.
- (c) each duly nominated candidates shall have the right to designate and observe at the poll and at the counting of the ballots; and
- (d) officers shall be elected from duly nominated candidates and not by "write-in ballots. The nominee receiving the highest number of votes shall be declared elected.

Nominees for Local Union office must be present at the meeting at which nominations are made, or if not present, to signify in writing, at or prior, to the nomination meeting, the office for which they are willing to be nominated. The president shall appoint an election committee, whose duty it shall be to take full charge of the election and insure that only those who are entitled to vote to do so.

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 of the Local Union, if no other officer is designated.

Complaints as to the violation of this Constitution or applicable law in the conduct of Local Union election shall be filed with the International President within seven (7) days from the date of said election provided, however, that any member having knowledge of an alleged irregularity in the election procedures either prior to or during the time it is being conducted who fails to notify the judge of election of the same immediately upon acquiring such knowledge shall not be entitled to an appeal to the International President because of such irregularity.

SECTION 4: TERM OF OFFICE

Local Union Officers shall be elected for a term of three (3) years unless otherwise permitted by law. The Local Union Officers shall hold office until their successors are selected and qualified.

SECTION 5: VACANCIES

When a vacancy exists in the office of the President, the Vice-President will assume the vacated position, for the duration of the term of office. All other vacancies, delegates (except International Convention Delegates) or new appointments, will be filled by the President on approval of the Executive Board.

No incumbent Local Union Officers shall be eligible for nomination, election or acceptance of an appointment, to fill a permanent vacancy in other office in the Local Union, unless prior thereto he resigns from the office of which he is the incumbent.

SECTION 6: DUTIES OF LOCAL UNION PRESIDENT

The President shall preside at all meetings; rule on all questions of Law, procedure and order; enforce the laws and regulations of the Local; preserve order; sign all warrants for money ordered paid by the Local; sign all other documents required to be properly authenticated; appoint all committees unless otherwise directed by the Local; call special meetings when necessary; require all Local Officers to make their reports as required by the Laws of the Organization; and shall open and close the Local Meetings. He shall execute and file with Federal and State authorities all reports which may be required by law and maintain such records for the period or periods of time required by law.

SECTION 7: DUTIES OF LOCAL UNION VICE PRESIDENT

The Vice President shall assist the President in the performance of his official duties; shall preside over the Local Union in the absence of the President and shall act as chairman at the meetings of the Executive Board.

SECTION 8: DUTIES OF RECORDING SECRETARY

It shall be the duty of the Recording Secretary to keep a correct record of the proceedings of the Local Union in a book provided for that purpose. He, at each regular meeting, shall read the minutes of the preceding meeting and if said minutes be approved, he shall attach his official signature thereto and the date of approval.

At the meeting in which the monthly report of the Secretary-Treasurer is submitted, he shall insert in the minute book the amount of receipts and disbursements for the preceding month, as

well as the balance on hand at the close of the month, as it is shown by the monthly report of the Secretary-Treasurer.

SECTION 9: DUTIES OF SECRETARY-TREASURER

- (a) It shall be the duty of the Secretary-Treasurer to keep an accurate account of the financial transactions of the Local Union in a book provided for that purpose.
- (b) He shall keep an accurate account with the International Brotherhood which will show the exact amount remitted to the International Secretary-Treasurer for each month.
- (c) He shall keep a separate account for each member which will show for each month the exact financial standing of each member.
- (d) He shall collect all dues and issue each member a receipt for each month's dues.
- (e) He shall remit the per capita tax and send his monthly report to the International Secretary-Treasurer, not later than the 15th of each month. Such report shall be signed by the Local Secretary-Treasurer and approved by the Local President. All moneys shall be payable by post office money order, bank check or express money order, payable to the International Brotherhood of Firemen and Oilers who shall receipt for same. He shall file and safely keep statements returned from the international Brotherhood.
- (f) He shall execute and file with Federal and State authorities all reports which may be required by law and maintain such reports as the law requires for the period or periods of time required by law.

SECTION 10: DUTIES OF SERGEANT-AT-ARMS

It shall be the duty of the Sergeant-at-Arms to take charge of the door and see that none but members with paid-up working cards are admitted. He shall report all members who desire admittance without working cards and shall not admit the member until ordered to do so by the President. He shall assist the presiding officer in preserving order.

SECTION 11: DUTIES OF BUSINESS AGENT

A Business Agent shall represent the Local Union and the members thereof, in all matters pertaining to collective bargaining agreements, wages, hours and conditions of employment; exert his best efforts to organize the unorganized; assist and cooperate with the officers of the Local Union in carrying out the provisions of the Constitution; assist and cooperate with the Officers of the Local Union and the International Brotherhood in carrying out the provisions of the International Constitution. The Business Agent shall devote the necessary time to carry out the business of the Local. He shall have general supervision over all property of the Local. He shall keep a correct report of work performed by him and submit same to the regular meetings; present all agreements; investigate all grievances; examine all working cards of members; keep a list of members out of work and supply all want calls for men without partiality. He shall report all members of the Local not complying with the working rules of the Union. He shall be bonded an amount set by the International. He shall have charge of the Seal and be responsible for all documents issued by the Union bearing its Seal.

He shall, as may be required, be authorized to employ assistants to expedite the performance of his duties and may vest in them any and all authority and responsibilities herein delegated to his office. He shall fix their salaries subject to the approval of the Executive Board.

Should a contract be rejected by the membership, the Business Agent shall be obligated to reopen negotiations before the Contract comes to be voted on again.

SECTION 12: OFFICERS AS DELEGATES

By virtue of their officers and as part of their duties as such, the elected full time salaried Officers and Business Agents of the Local shall serve as delegates of the Local to the International Union Convention, provided that this Section shall not be applied in such manner as to entitle this Local to more delegates than are provided for by the International Constitution and Bylaws.

Additional delegates to the International Union Convention will be elected at the time of the regular election. Qualifications to run delegate will be the same as for officers.

SECTION 13: LOCAL EXECUTIVE BOARD

The composition and duties of a Local Union Executive Board shall be as follows:

- (a) The Local Union Executive Board shall consist of all officers and Executive members to be elected at the regular election.

(b) It shall have authority to direct payment of all ordinary bills and expenses of the Local Union. It may recommend to the membership other expenditures, investments and savings.

(c) A majority of all members of the Executive Board shall constitute a quorum for the transaction of business at any Executive Board meeting and all decisions of the Board shall be the majority vote of those participating. Special membership meetings may be called by a majority of the Executive Board members to the President.

(d) Except as otherwise provided in this Constitution, the Executive Board shall serve as a trial board and shall have such further powers as are necessary or appropriate to effectuate the duties granted to it by the Constitution, By-Laws and operating rules of this Local Union which are not inconsistent with the provisions of the International Constitution.

SECTION 14: The Salary of all officers is set by the Executive Board and approved at the next regular meeting.

SECTION 15: SUGGESTED ORDER OF BUSINESS

1. Roll Call of Officers.
2. Reading of Minutes.
3. Communications read and referred.
4. Reports of standing and special committees.
5. Reports of Officers.
6. Unfinished Business.
7. New Business.

8. Reading of bills and drawing of warrants.
9. Good and welfare of the Union.
10. Adjournment.

ARTICLE III

MEMBERSHIP

SECTION 1: QUALIFICATIONS

Each member or applicant for membership must be of good moral character; agree to be bound by the provisions of this Constitution and any amendments thereto and the policies and regulations established by the SEIU International Union; and must not be a member of or support the policies or objectives or any group or organization which advocates the overthrow by force of the government of the United States.

Applicants for membership in this organization should be employed at the business when making application. All applications must be filled out and returned to the Local Office. The Executive Board may accept, reject, or hold over such applications as they deem fit.

INITIATION FEE:

The initiation fee shall not be less than fifty dollars (\$50.00) and shall be set by the Business Agent and Executive Board.

MEMBERSHIP CARDS:

All membership cards shall be issued from the Local Office and the number of the card registered there.

SECTION 2: MAINTENANCE OF GOOD STANDING

All dues are payable on the first day of each month for the current month, and all fines and assessments levied by the International Brotherhood or Local Union must be paid before dues are collected.

The Secretary-Treasurer, at the last regular meeting of the Local Union in each month, shall read out the names of all members in arrears for dues and assessments, but the responsibility for establishing and maintaining good standing in accordance with this Constitution rests entirely with each individual member; and the records in the Local Office shall be the only recognized and acceptable evidence of the standing of any member, unless and until a member submits evidence and proof of error in said records.

Failure of the Secretary-Treasurer to carry out the provisions of this paragraph shall not excuse delinquency or invalidate automatic suspension as herein provided. When the arrearage of any member has reached sixty days, he shall be automatically suspended from membership and dropped from the roll.

SECTION 3: AUTOMATIC SUSPENSION AND REJOINING

Any member who becomes sixty (60) days in arrears shall be automatically suspended from membership and so recorded without notice by the Local Union Secretary-Treasurer or the International Secretary-Treasurer. Any member automatically suspended as provided in this section may rejoin only (a) by filling out and filing with his Local Union a rejoining application for membership in the Brotherhood, (b) by being accepted by the Local Union as a new member and (c) by paying the amount of rejoining fees required, plus dues for the month in which he rejoins. The rejoining fees shall not be less than \$25.00. Such rejoining member shall not establish retroactive good standing and the period of continuous good standing of such rejoining member shall be recorded from the date he was last accepted as a new member.

SECTION 4: WITHDRAWAL CARDS

Withdrawal cards may be issued to members in good standing who are leaving our jurisdiction. Except for the Conditional right to rejoin as provided in this Constitution, a member who is issued a withdrawal card forfeits all rights, privileges and benefits from membership, including participation in the Death Burial Fund. Any member holding such card who desires to return to our International Brotherhood must deposit his card with the Local that issued the same. His acceptance rests with the Local Union. In case of approval of his application he must pay a rejoining fee which shall not be less than \$25.00, plus dues for the month in which his application is accepted. The Local Union Secretary-Treasurer when issuing withdrawal cards must take up the membership card of the member receiving such withdrawal card and retain same as the property of the Local Union. A request for a withdrawal card must be made in writing, otherwise the Local Union Secretary-Treasurer will not issue the card.

SECTION 5: TRANSFER CARD

- (a) Any good standing member of an affiliated Local Union who accepts employment under the jurisdiction of another affiliated Local Union shall immediately apply to the Secretary-Treasurer of this Local Union for an official transfer card.
- (b) No member against whom any charges are pending or who has been notified to appeal for trial as a defendant, complainant, witness or otherwise in connection with charges already filed in accordance with the Constitution, shall be entitled to a transfer card until all duties and all obligations, financial and otherwise, in connection with said charges or trial have been fully discharged.
- (c) No member shall be entitled to a transfer card unless all Local Union dues and International Brotherhood obligations are paid in full, including dues and per capita tax to and including the month in which the transfer card expires.
- (d) The Secretary-Treasurer of the Local Union is obligated to issue official transfer cards to eligible members in the manner specified in the Constitution without action or approval of the members of the Local Union.
- (e) Transfer cards shall bear the signature of the President and Secretary-Treasurer and the seal of the Local Union and shall be endorsed by the member receiving the same.
- (f) A member entering the jurisdiction of another Local Union shall present his official receipt and deposit his transfer card within thirty (30) days after date of issue.
- (g) Transfer cards not deposited with another Local Union within thirty (30) days from date of issue shall be void.

- (h) Any member who accepts employment in the jurisdiction of another Local Union after deposit of his transfer card shall pay to said Local Union the difference, if any, between the amount of initiation fee actually paid prior to his transfer, as recorded in the International Office, and the established initiation fee of the Local Union in which his transfer card was deposited, plus dues for the month following the month in which said transfer card is deposited.
- (i) 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 or lockouts exist.
- (j) No transfer cards issues or accepted by Local Unions contrary to this Constitution shall be recognized or cleared by the International Secretary-Treasurer and shall be declared void. Members involved shall assume full responsibility for a loss of good standing or suspension resulting from such transaction.
- (k) Any member who accepts employment in the jurisdiction of another Local Union and fails to comply with the provisions of this Section shall, after charges and trial, be subject to fine, suspension or expulsion.

SECTION 6: PARTICIPATING RETIREMENT CARDS

Upon application filed by a Local Union the International Secretary-Treasurer shall issue a retirement card to any good standing member requesting same who has attained retirement status and is no longer employed on a job coming within the collective bargaining relations of the Local Union. Holders of retirement cards shall maintain their good standing status by paying the

monthly dues established by the Local Union for retired members, which shall not be less than the regular per capita tax due and to be sent to the International Union. Members holding retirement cards will not be eligible to hold office the Local Union.

SECTION 7: NON-PARTICIPATING RETIREMENT CARDS

Upon application filed and approved by a Local Union, the International Secretary-Treasurer shall issue a retirement status and is no longer employed on a job coming within the collective bargaining jurisdiction of this Local Union. The sole purpose of the retirement card is to accord the holder thereof the right to attend meetings and a continued right to participate in the death benefits, if any, provided for him under the provisions of this Constitution. The holders of retirement cards shall not be eligible to actively participate in any meeting of the Local Union nor shall they be eligible to nomination, election or appointment or be permitted to serve as officers, representatives, delegates, business agents or committeemen. Holder of retirement cards shall pay dues at the rate set by the International paid in advance on or before the first day of January, April, July and October of each year. Such dues shall be paid directly to the International Secretary. The Local Secretary-Treasurer may collect and remit such dues to the International Secretary-Treasurer solely as the agent of the Local or International Brotherhood.

When the holder of a retirement card becomes three (3) consecutive months delinquent in the payment of the dues provided in this Section, such card shall be canceled by the International Secretary-Treasurer, without notice, and all rights conferred thereto, including death benefits, shall be forfeited.

SECTION 8: MEMBERS ENTERING THE ARMED FORCES

Members whose dues and per capita tax are paid to and for the month in which they enter the active service of the armed forces of the United States may, notwithstanding any provisions of the Constitution to the contrary, make application for a special military withdrawal card subject to the conditions prescribed by the International Constitution and By-Laws.

SECTION 9: COLLECTIVE BARGAINING AUTHORIZATION

Any member of this Local shall during the period of his membership, be held to have irrevocably authorized the Local and its duly selected and empowered officers or representatives to represent him in reference to all disputes with management, whether in conference or any proceedings before any tribunal empowered to pass upon the merits of such disputes. Any agreement or settlement made or decision secured in referenced to any such dispute by this Local its officers or representatives, shall be binding on all members. The Local, and its officers and representatives so authorized under these Bylaws, may decline to process any grievance, complaint, claim, or disciplinary appeal that, in their discretion and judgment, lacks merit.

ARTICLE IV

SECTION 1: MISCONDUCT

Trials for alleged misconduct shall be by the processes contained in the International Constitution.

ARTICLE V

CHARGES AND TRIALS

SECTION 1: OFFICERS AND LOCAL UNIONS

- (a) Charges against this Local Union's officers may be preferred in the manner provided in this section, by any member or members.
- (b) All charges shall be in writing, signed by the party preferring them and shall contain a statement of the facts, out of which the charges arose and the duty or obligation alleged to have been violated. A copy of said charges shall be sent by registered or certified mail, to the accused and to the International President.
- (c) The International President, upon receipt of such charges, shall appoint a trial board; with the approval of this Local Union's Executive Board and Officers; consisting of good standing members of this Local, which shall hear such charges; fix a time and place for the conduct of the trial; and notify the accused of the time and place of the trial, which shall be promptly held, but shall not be held less than two weeks after the mailing of such notice.
- (d) All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of the case and shall be entitled to cross-examine witnesses of the other party or parties. Each party shall have the privilege of selecting a good standing member of this International Brotherhood to act as his counsel in the trial proceedings. All matters retaining to the procedures of the trial, not otherwise specified in this Constitution, shall be determined by the trial board and all

parties and their respective counsel shall comply with all orders and directions of the trial board with respect thereto.

- (e) No members who is directly or indirectly connected with or personally familiar with the facts out of which the charges arose shall be entitled to act as a member of the trial board.
- (f) The accused and those who preferred the charges shall be notified by registered or certified mail of the decision of the trial board and copy thereof shall be furnished to the Local Union of which the accused is an officer.
- (g) The decision of the trial board shall be final, except for the right of appeal provided in Article VI of this Constitution.

SECTION 2: INDIVIDUAL MEMBERS

- (a) Charges against individual members, other than officers of a Local Union, may be preferred in the manner provided in this Section by any other member or members, or Local Union.
- (b) All charges shall be in writing; signed by the party preferring them; and shall contain a statement of the facts out of which the charges arose and the duty or obligation alleged to have been violated. A copy of said charges shall be sent by registered or certified mail to the accused, to the Local Union of which the accused is a member, and to the International President.
- (c) At the first regular meeting held, the presiding officer shall announce the time and place of trial on such charges, which shall not be less than two weeks after said meeting. Such trial shall be held before the Local Union Executive Board, unless by virtue of the

provisions of Section (2) of this Article, less than three members of the Executive Board are able to serve. In the latter event, the Local Union shall elect a trial board of good standing members who shall conduct such trial.

- (d) All parties shall be given full opportunity to present all relevant evidence and exhibits, which they deem necessary, to the proper presentation of the case and shall be entitled to cross-examine witnesses of the other party or parties. Each party shall have the privilege of selecting a good standing member of the Local Union to act as his counsel in the trial proceedings.

All matters relating to the procedures of the trial, not otherwise specified in this Constitution, shall be determined by the trial board and all parties and their respective counsel, shall comply with all orders and directions of the trial board with respect thereto.

- (e) No member of a Local Union shall be eligible to serve on a trial board, whether it consists of the Local Union Executive Board or is otherwise selected, if he is directly or indirectly involved in the matter which gave rise to the charges upon which the accused is to be tried.
- (f) At the first meeting of the Local Union following the trial by a Local Union trial board, the trial board shall submit to the Local Union, in writing, its decision and recommendations. The members of the Local Union then assembled shall vote, without debate, solely on the question of whether to accept or reject the decision and recommendations of the trial board and a majority vote shall be final, subject only to appeal, as provided in Article VI of the Constitution.

(g) If the accused is not in attendance at the meeting of the Local Union in which vote is taken on the decision and recommendations of the trial board, the Recording Secretary shall notify the accused by registered or certified mail of the action taken by the Local Union.

SECTION 2: APPEALS TO THE INTERNATIONAL PRESIDENT

All original appeals shall be referred to the International President for consideration and decision.

All appeals to the International President shall be filed in writing in duplicate and mailed to proposing parties within thirty (30) days from the date of the action from which appeal is taken unless notice thereof is required by this Constitution, in which event the appeal must be filed and served within thirty (30) days of the date of such notice. If a Local Union or System Council is involved in the appeal, a copy of such appeal shall be furnished by such Local Union or Council. Appeals from any decision or order directed to a Local Union or Council shall be made by the Local Union or Council involved and not by any individual member or members thereof and shall require authorization by the Local Union or Council and be signed by the President thereof.

The appeal shall include all documentary evidence and argument which the appealing party or parties may deem necessary for the proper and complete consideration of his or their appeal. Parties, other than the appellant, shall have the right to file an answer to such appeal with the International President within thirty (30) days after receipt thereof, which answer shall contain

such written rebuttal, evidence, exhibits and argument as they deem necessary for the proper and complete consideration of

SECTION 3: REFUSAL TO PARTICIPATE

Should the accused fail, refuse or neglect to appear for trial after due notice, the trial board shall proceed with his trial in his absence, hear such evidence as may be presented and render its findings, decision and recommendation. A refusal by the accused or his counsel to conform to the procedures prescribed by the trial board, a failure or refusal to comply with the directions and orders of the trial board reflecting to the conduct of his trial or any attempt by the accused to obstruct or thwart the trial board in the conduct of the trial shall be deemed to constitute a refusal by the accused to stand trial.

Should those who preferred the charges fail to appear, after due notice, the charges shall be dismissed without prejudice.

ARTICLE VI

APPEALS

SECTION 1: WHO MAY APPEAL

Any Local Union, Officer or Member who is affected by any decision or order of the Local Union or legally constituted tribunal thereof, or by any decision or order of any International Brotherhood or the International Executive Board shall have the right of appeal as provided in this Article.

SECTION 2: APPEALS TO THE INTERNATIONAL PRESIDENT

All original appeals shall be referred to the International President for consideration and decision.

All appeals to the International President shall be filed in writing, in duplicate and mailed to proposing parties within thirty (30) days from the date of the action from which appeal is taken; unless notice thereof is required by this Constitution, in which event, the appeal must be filed and served within thirty (30) days of the date of such notice. If a Local Union or System Council is involved in the appeal, a copy of such appeal shall be furnished by such Local Union or Council.

Appeals from any decision or order directed to a Local Union or Council shall be made by the Local Union or Council involved and not by any individual member or members thereof and shall require authorization by the Local Union or Council and be signed by the President thereof.

The appeal shall include all documentary evidence and argument which the appealing party or parties may deem necessary for the proper and complete consideration of his or their appeal. Parties, other than the appellant, shall have the right to file an answer to such appeal with the International President within thirty (30) days after receipt thereof, which answer shall contain such written rebuttal, evidence, exhibits and argument as they deem necessary for the proper and complete consideration of the appeal. The International President may request other persons with knowledge of the facts to submit, in writing, any further evidence which might assist in the proper decision of the appeal, provided such evidence is furnished to the parties to the appeal and an opportunity is given to them to respond thereto. The decision of the International President shall be final and binding, unless changed on further appeal as provided in this Article

and a copy of said decision shall be mailed to the parties to the appeal by certified or registered mail.

SECTION 3: APPEALS TO INTERNATIONAL EXECUTIVE BOARD

All appeals from decisions or orders of the International President and all original appeals properly presented to the International Executive Board shall be filed in writing, in duplicate, in the International Office, and mailed to opposing parties within sixty (60) days of the decision or order from which such appeal is taken. If a Local Union or System Council is involved, then a copy thereof shall be furnished such Local Union or Council. The appeal shall be signed by the party or parties seeking appeal and shall include any additional evidence, in affidavit form. And such additional exhibits and argument as are deemed necessary by the appealing party or parties for the proper and complete consideration of his or their appeal. Parties other than the appellant shall have the right to file an answer to such appeal with the International Office within sixty (60) days after receipt thereof, which answer and argument, as they may deem necessary for the proper and complete consideration of the appeal. The decision of the International Executive Board shall be made upon the record thus made and should the parties involved in the appeal appear in person before the Executive Board, they shall be permitted only to present argument on the record thus made and shall produce no new evidence.

The decision of the International Executive Board shall be by majority vote of those participating and shall be final, unless changed upon appeal to the International Convention.

SECTION 4: APPEALS TO CONVENTIONS

Unless otherwise provided in this Constitution, all appeals from decisions made by the International Executive Board shall be referred to the Committee on Appeals and Grievances for consideration and report, and the decision of the Convention shall be recognized and accepted as final. All such appeals must be filed with the International Office within sixty (60) days from the date of the decision of the International Executive Board.

SECTION 5: APPELLATE AUTHORITY

The International President, International Executive Board and the Convention shall have the right to affirm, amend, modify or reverse any decision submitted to them on appeal and to fix the penalty, if any, in connection therewith.

SECTION 6: APPEALS TO COURTS

Consistent with existing law, no member shall appeal to the Civil Courts for redress until after exhausting all rights of appeal provided in this Constitution; unless the appeal to the Convention would delay the process by more than twelve (12) months.

ARTICLE VII

STRIKES

No strike shall be ordered unless endorsed by a two-thirds vote of the bargaining unit, said vote to be conducted by secret ballot by mail or by other means consistent with applicable law, and approved by a majority vote of the Executive Board. and then only with prior notice to the

International President. Where prior notice is not practicable, notification must be made as soon as possible after commencement of the strike, in which notice the Local has stated that it has complied with all notice requirements imposed by applicable law. If the Local fails to give such notice, the International President may withhold sanction for the strike called by the Local. When a strike is ordered by the Union as above, the Executive Board shall have full power to regulate the movements of the individuals on strike. In the case of a lockout, the same course shall be adopted as in the case of strikes.

Article VIII

Wherever any words are used in these Bylaws in the masculine gender they shall be construed as if they were also in the feminine or neuter gender in all situations where they would so apply.