

**CONSTITUTION AND BYLAWS
OF
DELI VERY DRIVERS, WAREHOUSEMEN AND HELPERS,
DENVER, COLORADO; CONSTRUCTION WORKERS
(HIGHWAY, HEAVY, ENGINEERING, UTILITY, PIPELINE,
BUILDING CONSTRUCTION, MINING, AND ALL OTHER
CONSTRUCTION EMPLOYEES INCLUDING BUILDING
MATERIAL SUPPLY COMPANIES' EMPLOYEES),
STATE OF COLORADO, DAIRY, BAKERY, LAUNDRY,
VENDING, WAREHOUSE, DISTRIBUTION, FOOD
BEVERAGE, PRODUCTION, DRIVERS, ALLIED AND
MISCELLANEOUS WORKERS, STATE OF COLORADO;
SUGAR FACTORY WORKERS IN THE STATE OF
COLORADO AND BAYARD, MITCHELL, SCOTTSBLUFF,
AND VICINITY NEBRASKA; LINE DRIVERS, FREIGHT
LINES OFFICE WORKERS, AUTOMOTIVE AND RACE
TRACK EMPLOYEES, AIRLINE JURISDICTION, STATE OF
COLORADO, NEWS PAPER, PRESSMAN, PLATE MAKERS,
PRE-PRESS, DRIVERS, LOADERS, AND DISPATCHERS,
STATE OF COLORADO**

LOCAL UNION NO. 455

**AFFILIATED WITH
THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS**



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Section 1. NAME

This organization shall be known as Delivery Drivers, Warehousemen and Helpers, Denver, Colorado; Construction Workers (Highway, Heavy, Engineering, Utility, Pipeline, Building Construction, Mining, and All Other Construction Employees Including Building Material Supply Companies' Employees), State of Colorado; Dairy, Bakery, Laundry, Vending, Warehouse, Distribution, Food Beverage, Production, Drivers, Allied and Miscellaneous Workers, State of Colorado; Sugar Factory Workers in the State of Colorado and Bayard, Mitchell, Scottsbluff and Vicinity, Nebraska; Line Drivers, Freight Lines Office Workers, Automotive and Race Track Employees, Airline Jurisdiction, State of Colorado, News Paper, Pressman, Plate Makers, Pre-Press, Drivers, Loaders, and Dispatchers, State of Colorado, Local Union No. 455, and is affiliated with and is a local of the International Brotherhood of Teamsters.

Section 2. JURISDICTION

The Jurisdiction of this local union shall be determined by the International Union from time to time.

Section 3. PRINCIPAL OFFICE

A. The principal office of this organization shall be located in the City and County of Denver, State of Colorado, or at such other place in the area of metropolitan Denver as the Local Union Executive Board may designate. The organization may have such other sub-offices within the State of Colorado as the Local Union Executive Board may require from time to time.

B. All books, records, and financial documents shall be kept at the principal office of the local union.

Section 4. OBJECTS

A. The objects of this Local Union shall be:

1. To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age, physical disability or sex, or sexual orientation;
2. To engage in organizing workers to provide the benefit of unionism to all workers and to protect and preserve the benefits obtained for members of this organization.;
3. To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective

bargaining through advancement of our standing in the community and in the labor movement through legal and economic means, and other lawful methods;

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

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

6. To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social and other activities which further the interests of this organization and its membership, directly or indirectly;

7. To provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;

8. To engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly;

9. To protect and preserve the Union as an institution and to perform its legal and contractual obligations;

10. To carry out the objectives of the International Union, as an affiliate thereof; and its duties as such an affiliate;

11. To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these By-Laws and the International Constitution and for such additional purposes and objects not inconsistent therewith as will, further the interests of this organization and its members, directly or indirectly.

B. It is recognized that the problems with which this labor organization is accustomed to deal are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic, and social objectives as set forth above and as the Union may determine from time to time; we, therefore, determine and assert that the participation of this labor organization, individually, and with other organizations, in the pursuit and attainment of the objectives set forth herein are for the sole benefit of the organization and its members.

Section 5. ELIGIBILITY FOR MEMBERSHIP

A. Eligibility to membership in this local shall be as set forth in the International Constitution, and applicants for membership shall comply with and be subject to the requirements imposed by these By-Laws and the International Constitution.

B. This Local Union or other subordinate body shall not exclude or expel from membership or otherwise discriminate against any individual, or cause or attempt to cause any employer to discriminate against any individual, because of his race, color, religion, sex, age or national origin, or limit, segregate or classify its membership, or classify or fail or refuse to refer for employment any individual in any way which would limit such employment opportunities or otherwise adversely affect his status as an applicant for employment because of such individual's race, color, religion, sex, age or national origin.

Section 6. OFFICERS

The officers, of this Local Union shall be the Secretary-Treasurer, President, Vice President, Recording Secretary, and three (3) Trustees. These officers shall constitute the Executive, Board of the Union. The term of office of all-officers shall commence on the first of January in the year following the election.

OFFICERS-GENERALLY

A. All officers of the International Union and affiliated bodies when installed shall be required to take the following oath of office:

I, _____ do sincerely promise, upon my honor as a trade unionist and a Teamster, that I will faithfully use all of my energies and abilities to perform the duties of my office, for the ensuing term, as prescribed by the Constitution and By-Laws of this Union. As an officer of this great Union, I will, at all times, act solely in the interests of our members, devote the resources of our Union to furthering their needs and goals, work to maintain a Union that is free of corruption, to preserve and strengthen democratic principles in our Union, and to protect the members' interests in all dealings with employers. I will never forget that it is the members who put me here, and it is the members whom I will serve. I further promise that I will faithfully comply with and enforce the Constitution and laws of the International Union and By-Laws of this Union, that I will, at all times, by example, promote harmony and preserve the dignity of this Union. I also promise that at the close of my official term, I will

promptly deliver any money or property of this Union in my possession to my successor in office.

Added 8/27/02 (By vote of delegates to the
26th International Convention)

Section 7. PRESIDENT'S DUTIES

A. It shall be the duty of the President to preside at meetings of this Local Union and of the Executive Board, to preserve order therein, and to enforce the International Constitution, these By-Laws and the rules of order adopted by this Union and to see that all officers perform their respective duties. He shall also have the right to serve on all committees by virtue of his office, and in general, shall perform all duties incident to the office of president, and such other duties as may be assigned by the Executive Board or membership from time to time.

B. The, President in conjunction with the Secretary-Treasurer shall have the authority to disburse or order the disbursement of all moneys necessary to pay the bills, obligations and indebtedness of the Local Union, which have been properly incurred as provided herein. He shall, in conjunction with the Secretary-Treasurer, have the authority to pay current operating expenses of the Local Union including rents, utilities and maintenance of the union hall, and salaries and expenses of officers and employees as authorized by the Executive Board.

Section 8. DUTIES OF THE VICE-PRESIDENT

It shall be the duty of the Vice-President to preside at Union membership meetings in the absence of the President. He shall perform such other duties and render such assistance as may be directed by the principal executive officer or by the President.

Section 9. DUTIES OF THE SECRETARY-TREASURER

A. The Secretary-Treasurer shall be chief business agent and shall perform all the duties imposed upon the Local Union Secretary-Treasurer by the International Constitution, by these By-Laws and, in general, perform all duties incident to the office and such other duties as from time to time may be assigned to him by the Executive Board or the members by resolution. He shall see that all notices and reports shall be given in accordance with the provisions of the International Constitution and these By-Laws or as required by law. He shall make at least quarterly a report to the membership giving the financial standing, including the assets and liabilities of the Local, and shall keep itemized records showing the source of all moneys received and spent, and shall keep records, vouchers, work sheets, books and accounts and all resolutions to verify such report.

B. The Secretary-Treasurer, upon request of any member, shall make available to the member a copy of the last annual report. He shall also make available for inspection by any member or members at the Local Union's principal office during regular business hours any prior annual report; and also any other document which is subject by statute to such inspection, provided, however, if copying is desired by any member the matter shall be submitted to the membership at the next scheduled meeting. Membership lists may not be copied. Upon the written request of any of any member setting forth good cause for examination of any books, records or accounts necessary to verify any report filed in compliance with any statutory requirement, he shall make arrangements to have such records available for inspection during the regular business hours at the principal office of the Local Union. In the event the Secretary-Treasurer believes that just cause does not exist for the request made, he shall so inform the member in writing. Refusal of the Secretary-Treasurer to permit examination of such records shall be appealable to the Local Executive Board and such appeal shall be heard forthwith.

C. The Secretary-Treasurer shall have custody of the local union seal and the records of the proceedings of all meetings of the Local Union and the Executive Board, as prepared by the Recording Secretary, or such person as is authorized to take such proceedings, shall keep important documents, papers, correspondence, as well as files on contracts and agreements with employers. Upon the request of any person in writing or made in person to the Secretary-Treasurer during regular hours at the principal office, he shall provide a copy of the collective bargaining agreement made by the Local Union with the employer of such person, if the person making such request establishes that he is an employee directly affected by such an agreement. The Secretary-Treasurer may require a receipt from such person. He shall also maintain at the principal office of the Local Union copies of agreements made as received by the organization where another labor organization subordinate to the IBT has negotiated such a contract and the employees represented by this Local Union are directly affected by such agreements, which agreements shall be available for inspection by any member or by any employee who establishes that his rights are affected by such agreement, during the regular hours maintained at the principal office of the Local Union.

D. The Secretary-Treasurer shall receive and keep a correct account of all moneys paid to, and paid out by the Local Union and shall provide receipts for any dues, initiation fees, or other fees, assessments or fines or other monies received. He shall deposit all moneys received from any source whatsoever in a reliable bank or banks in the name of the Local Union at least twice a month or more often. The bank or depository shall be designated by the Local Executive Board.

E. The Secretary-Treasurer shall maintain a record of the names and addresses of all members. The Secretary-Treasurer shall report to the General Secretary-Treasurer the membership standing of all members in the Local Union as required by the

International Constitution. The membership lists shall not be open to inspection by any member except as and to the extent required by statute.

F. Whenever a Secretary-Treasurer's term in office expires, or is otherwise terminated, he must see that his successor is properly bonded and a copy of the bond sent to the General Office before he transfers the funds of the organization to his successor in office. He shall also give to his successor all papers, documents, records, vouchers, worksheets, books, money and other union property that may have been entrusted to him by virtue of his office and shall obtain an appropriate receipt thereof. All such records, vouchers, worksheets, receipts, books, reports and documents shall, be preserved and retained at the Local Union's principal office for a period of six years.

G. The Secretary-Treasurer shall also have charge of all labor controversies involving this Union. The Secretary-Treasurer shall provide each new member with a free copy of the International Constitution, upon request. The Secretary-Treasurer shall provide any member with a copy of the International Constitution and of these By-Laws.

H. The Secretary-Treasurer shall have authority to interpret these By-Laws and to decide all questions of law thereunder between meetings of the Executive Board.

I. The Secretary-Treasurer shall decide all questions of order, subject to an appeal to the membership; shall have the right to vote in the election of officers; shall cast the deciding vote when a tie occurs on any question; shall announce the result of all votes and enforce all fines and penalties; and shall have the power to call special meetings as provided in Section 18(B).

J. The Secretary-Treasurer shall sign all official documents, deeds, mortgages, bonds, contracts, or other instruments, all checks on bank accounts, and perform such other duties as the International Constitution, these By-Laws or Law may require of him.

K. The Secretary-Treasurer shall be the principal executive officer of this organization and, subject to the control of the Executive Board, shall in general supervise, conduct and control all of the business and affairs of this organization, its officers and employees, including without limitation, the right to appoint members of the Union to chair meetings and to preserve order therein.

L. The Secretary-Treasurer shall have general charge and supervision of all the officers and employees of this organization and shall have power to appoint, suspend, or discharge for just cause all appointive organizers, appointive Business Agents (who shall be nominated by the Executive Board), Assistant Business Agents and employees. Executive Officers are not disqualified from also serving as appointive Business Agents. The Secretary-Treasurer shall appoint all committees, subject to the disapproval of the

membership. Business Agents and Assistant Business Agents shall be appointed and may be removed at will only by the appointing authority.

M. The Secretary-Treasurer shall, by virtue of his office, be the delegate and representative of the Union to all conferences and conventions to which the Union is entitled to send a delegate or representative. The President shall be the second delegate or representative to all conferences and conventions to which the Union is entitled to send two delegates or representatives.

Section 10. DUTIES OF RECORDING SECRETARY

It shall be the duty of the Recording Secretary to attend all general membership meetings of the Local Union and the Executive Board and to keep minutes of the entire proceedings. He shall keep a record of the names of the members comprising each committee and handle all correspondence of the Local Union as signed by the President or authorized-by membership resolution. In his absence, the President shall appoint a member to act as Recording Secretary Pro Tempore who shall have the duties set forth above. The President shall appoint a member or members to keep minutes of meetings which are held by division or craft. The minutes of every meeting of the Local Executive Board or of the Local Union shall be read and approved at the membership meeting next following.

Section 11. DUTIES OF TRUSTEES

It shall be the duty of the Trustees to conduct a monthly examination of the books of the Local Union and report the results thereof at the next regular membership meeting. They shall sign the books of the Secretary-Treasurer only if they find them correct and the bank balances verified. In the event that a Trustee declines to sign the books, the Trustee must state in writing to the Local Union Secretary-Treasurer his reasons for declining to do so and shall also advise the General Secretary-Treasurer of those reasons. A Trustee's disagreement with an expenditure properly authorized by the Executive Board or membership shall not be a valid basis for refusing to sign the books. The Trustees' reports shall be sent to the General Secretary-Treasurer as required by the International Constitution. They shall receive and review the original surety bond covering each officer, employee or representative of the Local Union required to be bonded, and retain it at the Local Union's principal office. They shall have the duty to see that such bonds are current and enforceable. In the event of the unavailability of a Trustee, the other remaining Trustees or Trustee shall perform the above functions. In performing their functions, the Trustees may avail themselves of the services of the Certified Public Accountants, retained by the Local Union Executive Board. They shall have full and free access to all documents, books and other records necessary to conduct their examination.

Section 12. BUSINESS AGENTS AND STEWARDS

A.

1. In addition to the Secretary-Treasurer who shall, *ex officio*, be chief business agent, there shall be one or more business agents who shall be nominated by the Executive Board, and who shall serve under the supervision and direction of the Chief Business Agent, and under such terms and conditions as may be determined by the Executive Board. Except for the Chief Business Agent, the business agents shall have no power or authority to establish policy for the Union, shall have no final authority to negotiate or approve collective bargaining contracts, shall have no authority to hire or discharge employees of the Union, no authority to make final decisions concerning whether or not a matter should be arbitrated, no authority to call or terminate a strike, and no authority to exercise any executive powers.

2. One or more stewards may be chosen by the members of the union who are employed in a particular establishment. The limitations of paragraph A (1) of this section shall also apply to the duties and powers of the stewards. They shall perform such functions as may be assigned to them by the Executive Board or Chief Business Agent, subject to such limitations. Members selected to serve as shop stewards shall have their dues paid by this Local Union. However, payment of a steward's dues by the Local Union shall not affect his eligibility to run for office or his entitlement to any other rights or benefits provided by these By-Laws or the International Constitution. The authority of stewards shall be International Constitution. The authority of stewards shall be limited to, and shall not exceed, the following duties and activities:

a. The investigation and presentation of grievances with his Employer or the designated company representative in accordance with the provisions of the collective bargaining agreement;

b. The collection of dues when authorized by appropriate Local Union action;

c. The transmission of such messages and information, which shall originate with, and are authorized by the Local Union or its officers, provided such messages and information;

(i) have been reduced to writing; or,

(ii) if not reduced to writing, are of a routine nature and do not involve work stoppages, slowdowns, refusal to handle goods, or any other interference with the Employer's business.

Stewards shall have no authority to take strike action, or any other action not set forth in these By-Laws, or any other action interrupting the business of his employer, except as specifically authorized by official action of the Local Union.

B. Warden and Conductor

The Warden and the Conductor shall be appointed by the Chair and may be removed by him. The Warden shall have charge of the inner door and shall not admit any member who is not in good standing. He shall not allow any member under the influence of liquor or drugs to enter the meeting place. He shall assist the Chair in maintaining order.

It shall be the duty of the Conductor to assist the Warden and to bring the proposed new members to be obligated as members. He shall also escort all guests to the Chair. He shall perform the duties of the Warden in the absence of the Warden.

Section 13. POWERS AND DUTIES OF LOCAL EXECUTIVE BOARD

A. Except as may be otherwise provided in these By-Laws, the local Executive Board is authorized and empowered to conduct and manage the affairs of this organization, and to manage, invest, expand, contribute, use, lend and acquire Local Union funds and property in the pursuit and accomplishment of the objectives set forth in the Constitution of the International Union and these By-Laws and resolutions adopted in furtherance thereof. However, the Local Union Executive Board shall not have the authority to bind the Local Union for personal services to be rendered to the Local Union or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations and editorial services, by contract, agreement or otherwise, beyond the expiration of the term of the Executive Board in office at the time such action is taken. This shall not prevent the Local Union Executive Board from entering into a *bona fide* collective bargaining agreement with another Union covering Local Union employees; provided, however, that if the Local Union employees form a union following the Local Union officer election, or a new collective bargaining agreement covering such employees is negotiated after the Local Union officer election, the newly organized unit shall not be voluntarily recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local Union, until such action is approved by the officers-elect.

The Local Union Executive Board, in addition to such other general powers conferred by these By-Laws, is hereby empowered to:

1. Make and change, subject to disapproval of the membership, rules and regulations not inconsistent with these By-Laws or the International Constitution for the management and conduct of the affairs of this Local Union;

2. Provide, subject to approval by the membership, the salaries, and subject to disapproval by the membership, the allowances, direct and indirect disbursements, expenses and reimbursements of expenses for officers and business agents;
3. Provide for direct and indirect loans for such purposes and with such security, if any as it deems appropriate, and with such arrangements for repayment as it deems appropriate; all to the extent provided by law;
4. Provide for the employment of clerical employees, attorneys, accountants, and such other special or expert Services as may be required for the organization;
5. to secure an audit of the books of this organization by a certified public accountant at least once a year;
6. On behalf of the Local Union, its officers, employees or members, to initiate, defend, compromise, settle, arbitrate, or release or to pay the expenses and costs of any legal proceedings or actions of any nature, subject to the provisions of Article IX, Section (c) of the International Constitution, if, in its judgment, it shall be necessary or desirable to protect, preserve or advance the interest of the organization;
7. Fill all vacancies in elected offices which occur during the term of such office for the entire remainder of the unexpired term, in the manner provided in Article XXII, Section 9 of the International Constitution.
8. Transact all business and manage and direct the affairs of the Local Union between membership meetings except as may otherwise be herein provided; delegate when necessary any of the above powers to any officer for specific and temporary purposes and on condition that the action of such officer or agent be ratified by the Executive Board; the Executive Board shall designate other officers for the President or Secretary-Treasurer for the purpose of signing checks to pay bills in the event that either shall become ill or otherwise incapacitated;
9. To lease, purchase or otherwise acquire in any lawful manner for and on behalf of the organization, any and all real estate or other property, rights and privileges, whatsoever deemed necessary for the prosecution of its affairs, and which the organization is authorized to acquire, at such price or consideration and generally on such terms and conditions as it thinks fit, and to its discretion to pay therefore either wholly or partly in money or otherwise; specific authorization at a membership meeting shall be required for such expenditures, excepting for routine expenditures not of a substantial nature;
10. Sell or dispose of any real or personal estate, property, rights or privileges, belonging to the organization whenever in its opinion the Local Union's interests

would thereby be promoted, subject to approval (except as to form) at a membership meeting;

11. Create, issue and make deeds, mortgages, trust agreements, contracts, and negotiable instruments secured by mortgage or otherwise as provided by resolution of the membership, and to do every other act or thing necessary to effectuate the same;

12. Create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same, all subject to approval (except as to form) by the membership; trustees of Health and Welfare or Pension Trust Funds negotiated directly by the Local Union, and to which this Local Union is the only union party, shall be appointed by the Executive Board, subject to the approval of the membership;

13. Determine the membership which shall vote on agreements and strikes, and the composition of other membership meetings, and adopt rules and regulations concerning the conduct thereof not inconsistent with the International Constitution or these By-Laws;

14. Determine the manner in which referendums shall be held,

15. Affiliate this Local Union with Joint Council No.3 and the Western Conference, and such other subordinate bodies of the International Brotherhood of Teamsters as it shall be required to do, or which it believes is in the interest of this Local Union, and maintain such affiliations in good standing at all times;

16. Do all acts, not expressly authorized herein, which are necessary or proper in implementation of the above duties for the protection of the property of the Local and for the benefits of the organization and members.

B. The Executive Board shall have the duty to investigate any alleged breach of fiduciary duty when circumstances so warrant and to take appropriate action if the investigation so merits.

C. The Executive Board shall hold regular meetings at least once a month without other notice than this By-Law at such regular times as shall be designated by resolution of the Executive Board, and may hold other meetings at such time and place as shall be determined by the President. The meetings of the Local Union Executive Board shall be no less frequent than meetings of the Local Union.

D. A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board. The action of a majority of the Board present at a meeting at which a quorum is present shall be the action of the Board.

E. By action of the Board, members of the Board who are not full time paid officers or employees of the organization may be paid their expenses, including wages lost, if any, for attendance at each meeting of the Board. However, officers who are full time employees of the Local Union shall not receive additional payments for attendance at Executive Board or membership meetings.

F. As to all matters requiring action by the Executive Board, and when the Executive Board is not in formal session, the Executive Board may act by telegram, letter or telephone. When action by the Executive Board is required, the President may obtain same by telegraphing, writing or telephoning to the members of the Executive Board and such members may take action on the matter brought to their attention in the same manner. Such action so taken by the majority of the members of the Executive Board shall constitute action of the Board as though the Board were in formal session.

Section 14. OFFICERS-GENERALLY

A. All officers of this Local Union when installed after election shall be required to take the following obligation of office:

I, _____. do most sincerely promise, upon my honor, as a trade unionist and a Teamster, that I will faithfully use all my energies and abilities to perform the duties of my office, for the ensuing term, as prescribed in the Constitution and By-Laws of this Union. As an officer of this great Union, I will, at all times, act solely in the interests of our members, devote the resources of our Union to furthering their needs and goals, work to maintain a Union that is free of corruption, to preserve and strengthen democratic principles in our Union, and to protect the members' interests in all dealings with employers. I will never forget that it is the members who put me here, and it is the members whom I will serve. I further promise that I will faithfully comply with and enforce the Constitution and laws of the International Union and By-Laws of this Union, that I will, at all times, by example, promote harmony and preserve the dignity of this Union. I also promise, that at the close of my official term, I will promptly deliver any money or property of this Union in my possession to my successor in office.

B. The right to assume office or hold office or position in the Local Union, as distinguished from accrued or vested benefits, shall never be deemed a property right, but shall be a personal privilege and honor only. Any action taken by an officer in good faith and within the scope of his authority and power under these By-Laws shall not be the basis for any personal liability against such officer.

C. All officers of the Local Union must, as a condition of holding office, execute all necessary forms required by law to be filed with any federal or state agency either for

and in behalf of the Local or as an officer or employee thereof, but accidental default shall not be considered a violation of the duty imposed by this section.

D. All officers in the performance of their duties shall adhere to the terms of these By-Laws and the International Constitution.

E. The officers, business agents, stewards and other representatives of this Local Union occupy positions of trust in relation to the Local Union and its members as a group and are, therefore, accountable to the membership with respect to the performance of their fiduciary duties. The failure or refusal by an officer, business agent, steward or other representative of this Local Union, upon demand of the Executive Board or of any individual member for good cause, to render a proper and adequate accounting or explanation respecting the performance of his fiduciary duties shall constitute a ground for charges under Article XIX of the International Constitution on which trial shall be had under the provisions set forth in Section 20 hereof.

F. The elected officers of this Local Union shall be delegates to other subordinate bodies and Conventions thereof, by virtue of their office or elected position. The Principal Executive Officer shall have first priority. After the principal officer, the remaining delegates shall be selected from the salaried elected officers in the following priority: Secretary-Treasurer, President, Vice President, Recording Secretary, Trustee in order of number of votes received in the most recent election.

Section 15. EXPENSES AND AUTOMOBILES

A. Allowances. Recognizing that the officers and representatives of this organization do not work regularly scheduled hours and receive no compensation for overtime or premium pay; also recognizing that such individuals are required to pay varying amounts for lodgings and meals depending upon the city to which they travel, which amounts are sometimes less, but more often more than the allowances given them, and recognizing that they must participate in cultural, civic, legislative, political, fraternal; educational, charitable, social and other activities in addition to their specific duties as provided in the Constitution and these By-Laws; that such activities benefit the organization and its members; that the time spent in such activities is unpredictable and unascertainable, such officers and representatives may be granted an allowance (both for in-town and out-of-town work, respectively, which in the case of out-of-town work shall include hotel and meal expenditures) in such amount (daily, weekly or monthly) as the Local Executive Board may determine and there shall be no need to make a daily or other accounting to the Local Union membership for such allowance.

In addition to the allowances set forth above, all officers and employees and may be reimbursed for, or credit provided for, all other expenses incurred in connection with their activities.

B. Expenses. When a representative of the organization is engaged in activities in the interest of or for the benefit of the organization and its members, the labor organization shall pay the expense incurred therein, or reimburse the representative upon receipt of itemized vouchers from him or the supplier of such services.

C. Automobile Allowance. The Local Union may provide its officers or representatives with automobiles upon authorization of the membership or, in lieu thereof, they may be paid an allowance for use of their car in such amount or at such rate as shall be approved by the Executive Board. In such instances where the Local Union provides an automobile, title to the automobile shall remain at all times in the name of the Local Union. It is recognized that such officers or employees are required to be on instant call at all times, may be required to garage such car, and are responsible for its safeguarding. Accordingly, for the convenience of the union and as partial compensation for such additional responsibilities, such officers shall be permitted private use of such car on a round-the-clock continuous basis, including private use when the car is not required on union business. Upon authorization of the Executive Board, the President is empowered to sell, exchange or lease automobiles or arrange financing thereof on behalf of the Local Union.

D. Benefits. The Executive Board may from time to time provide the terms and conditions of employment for officers, employees and representatives of this organization including, but not limited to, such fringe benefits as vacations with pay, holidays, sick leave, time off for personal leave and, in connection therewith, any disability or sickness, health and welfare and retirement benefits and activities, and facilities relating thereto, and may from time to time provide changes therein, as additional compensation and allowances, all the above being subject to the approval of the membership.

Section 16. NOMINATION AND ELECTION OF OFFICERS RULES

A. Nominations of officers shall be made at the regular meeting of the members in October of every year in which the terms of office terminate. Election shall be held not less than thirty (30) days after nominations have been closed. The Executive Board shall set the time and place of elections and such time and place of elections and such time and place and other relevant arrangements shall be convenient to the greatest possible attendance by all the members.

B. Time of Elections. This Local Union shall elect its officers by secret ballot not less often than once every three years.

C. Notice of Rules, Nomination Meeting and Election. At least twenty (20) days prior to the date of the nomination meeting, specific notice of the date, time and place of the nomination meeting and the offices to be filled shall be mailed or shall be published in any Local Union publication mailed to the membership (except that notice of

nomination and election may be combined); each member shall be advised by such notice that the election rules are set forth in the By-Laws and International Constitution which are available upon request.

D. Eligibility of Members

1. To Nominate, Vote For, or Support Candidates.

Every member whose dues are paid-up through the prior month in which the nomination or election is held shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to nominate, or vote for, a candidate for office in the local union, by reason of a delay or default in the payment of dues by the employer to the Local Union.

2. To be eligible for election to any office in the Local Union, or membership on the Executive Board, or delegate to any convention, a member must: (1) have been a member in continuous good standing for a period of twenty-four (24) consecutive months immediately prior to nomination for such office, and (2) have worked for a period of at least twenty-four (24) consecutive months prior to the month of nomination as a member under the jurisdiction of the Local Union. A member who is represented in collective bargaining by the Local Union, or is employed full time by the Local Union, or who holds office in the Local Union shall be considered to be working under the jurisdiction of the Local Union. No member shall lose his good standing status for any month in which his dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement by reason of delay or default in the payment of such dues by the employer to the Local Union.

3. "Continuous good standing" means compliance with the provisions of Article X, Section 5 of the International Constitution concerning the payment of dues, fines, assessments and other charges. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

4. Payment of dues after their due date shall not restore good standing status for such month or months in computing the continuous twenty-four (24) months good standing status required by this Section as a condition of eligibility for office. No member shall lose his good standing status for any month in which

his dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement by reason of delay or default in the payment of such dues by the employer to the Local Union. However, a member on dues checkoff whose employer fails to make a prior deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.

Members in a reserve component of the military or National Guard who are called to active service lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, may have their eligibility determined in accordance with Article II, Section 4(a)(4) of the International Constitution.

5. Appeals. Any member who desires to challenge a ruling that he is ineligible to run for office by the local union shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee.

E. Nomination Procedures

1. Nominations shall be held at a general or special membership meeting or meetings, subject to the provisions of the International Constitution and in accordance with the provisions of Section 16 (A) above. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of a special meeting in the month of October, at which meeting nominations and the conduct of elections shall be the sole order of business.

2. Nominations shall be made at the meeting by a member in good standing other than the nominee by motion, seconded by a member other than the nominee.

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

4. If an election committee is used, after nominations, each candidate for the office of President and Secretary-Treasurer may designate one member for service thereon who shall thereupon be appointed by the President.

5. In the event only one candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the nominations meeting, effective as of the conclusion of the term of the incumbent.

6. A member otherwise eligible to run for office shall become a *bona fide* candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person or, if absent, in writing, and may accept nomination for only one office. After a candidate has accepted nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed.

7. If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in Section 13 (A) (f).

8. If there is only one nominee for an office and he is finally ruled ineligible after the nomination meeting, then a new nomination meeting shall be held for such office only; however, such nomination meeting shall not delay the election for all other offices.

9. The membership may by majority vote at the nomination meeting require the supervision of any election by an outside person or agency designated by the membership, which outside person or agency shall not have the authority to determine questions of eligibility or take any action inconsistent with the International Constitution or these By-Laws.

F. Elections

1. After the nomination meeting, but not less than thirty (30) days prior to the election, specific notice of the date, time and place of the election, and of the offices to be filled shall be mailed to each member at his last known home address, if no notice had previously been sent. The election shall be held in November at such place or places and at such time, not earlier than thirty (30) days after the nomination meeting; as may be designated by the Local Union Executive Board. The election shall be by secret ballot to be placed in boxes, unless the Local Union Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote, the

election box or boxes or machine or machines, however, to be located at a place or places designated by the Local Union Executive Board. Balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m.; it shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election.

2. Voting shall be conducted by secret ballot among the members in good standing. There shall be no proxy voting. Each such member shall be entitled to one vote. The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union By-Laws, including the authority to use mail referendum balloting or absentee balloting without membership approval. The General President shall also have the authority to direct the use of mail referendum balloting or absentee balloting without membership approval; any action of the Local Union Executive Board to the contrary notwithstanding. Absentee balloting by mail shall be permitted only upon application of members who are ill, or absent from the city or town where they are normally employed at the time, of voting, because on vacation or on employment tour of duty. The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer not less than five (5) days prior to the date set for election and shall contain the grounds therefore. Absentee ballots shall be valid only if they are received by noon on the day on which the polls close. Absentee voting shall be conducted with all proper safeguards for secrecy of the ballot. Voting by writing in the name of a person who was not duly nominated shall not be permitted. Any ballot shall be declared void if it contains any mark other than the voting mark.

3. Each candidate, at his own expense, shall have the right to have an observer other than himself at each polling place and at the counting of the ballots who must be a member of the Local Union in good standing. Observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope which in turn shall be sealed in an envelope with the name of the voter thereon. Challenges shall be investigated to determine their validity, if the challenged ballots are sufficient in number to affect the results of the election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon. Upon request of any candidate, voting machines, if used, shall be checked for proper operation. Candidates shall have the right to be present at the counting of the ballots.

4. To be eligible to vote in the election, a member must have his dues paid up through the month prior to the month in which the election is held and must still be an active member on the day of the election. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto,

except in the case of Trustees, in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of principal officer of the Local Union, in which case there shall be a re-election between only the candidates who have tied for the highest number of votes and only for that principal office. The officers-elect shall take office at the end of the term of the incumbent officers, regardless of the date of installation, which installation shall take place at the next meeting following their election. Except as provided above, no run-off election shall be held.

5. No officer may run for another office in this Local Union, the term of which covers part of his current term, unless he resigns from his current office at the time of nomination, such resignation to be effective upon the certification of the results of the election. He shall announce his intention to resign not later than fifteen (15) days prior to the nomination meeting. No officer may hold another office in any other local union (in any other than a trustees local) during his term of office except by authorization of the General President and the locals involved.

6. There shall be no write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for that office is concerned and such ballot for that office shall not be considered as having been cast in determining the vote.

7. Any member who desires to challenge a ruling that he is ineligible to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling, to the General President of the International Brotherhood of Teamsters, or his designee, who shall decide such an appeal within seven (7) days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution. In the event there shall be any protest or charges made concerning an election by any member prior to the holding of the election, such protest or charges shall be made in writing by such member within forty-eight (48) hours after he acquires knowledge of the event complained of, and shall specify the exact nature and specifications of the protest. Such protest or charges shall be made to the Secretary-Treasurer of the Local Union, who shall refer the protest or charges to the Executive Board of the Local Union for disposition. The decision of the Executive Board shall be applicable pursuant to the provisions of Article VI, Section 2 of the Constitution of the International Brotherhood of Teamsters.

In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by such member within seventy-two

(72) hours setting forth the exact nature and specification of the protest and his claim as to how it has affected the outcome of the election. Such protest or charges shall be made to the Secretary-Treasurer of the Joint Council with which the Local Union is affiliated and the protest or charges shall be referred to the Joint Council Executive Board for disposition. The Executive Board shall meet to consider the protest or charges shall be referred to the Joint Council Executive Board for disposition. The Executive Board shall meet to consider the protest and shall conduct a hearing as prescribed by Article XIX of the International Constitution. The decision of the Joint Council Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention, in accordance with the provisions of Article XIX of the International Constitution to the extent that such provisions may be applied to an election protest or charges.

8. During the period between the date of election and the end of the term of office no extraordinary expenditures of Local Union funds shall be made, and no action shall be taken that commits the Local Union to make such extraordinary expenditures in the future, without the approval of the officers-elect and the membership. An expenditure shall be considered extraordinary if it falls within the definition set forth in Article XXII, Section 4(c) of the International Constitution. In the event the election results in a new complement of officers, the outgoing officers must comply with the restrictions in Article XXII, Section 2(B) of the International Constitution regarding entering into contracts for personal services.

G. Duties of Secretary-Treasurer in Connection With Nomination and Election

1. The Secretary-Treasurer shall at least twenty (20) days prior to the holding of the nomination give notice, as above provided, to the membership of the time, place and date and the offices for which nominations will be in order in connection with such election. Such notice shall be given in the manner determined by the Executive Board, consistent with these rules.

2. The Secretary-Treasurer shall review the eligibility to hold office of any member at his request and shall make a report on the eligibility of that candidate within five (5) days thereafter to any interested member.

3. Unless a joint nomination-election notice was sent, the Secretary-Treasurer shall give written notice to the membership of the local at least twenty (20) days prior to any election date, of the time, place, date, hours and number of offices upon which voting shall be held, by mailing such notice to the members' last known addresses.

4. Upon reasonable request of any declared and eligible candidate for office, the Secretary-Treasurer shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that such candidate pays the reasonably estimated cost involved in advance and the full cost within thirty (30) days after the election. The Secretary-Treasurer shall not delay the distribution of any candidate's mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Secretary-Treasurer may require that all campaign literature shall be presented to him at the principal office of the union not later than seven (7) days prior to the date of the election and all candidates shall be given reasonable notice of that cutoff date. The Secretary-Treasurer may, where in his judgment it appears necessary, provide for a consolidation of such distribution in which case the cost of such distribution shall be assessed upon the candidates involved on a pro rata basis.

5. The Secretary-Treasurer to the extent required by law shall upon reasonable notice make available for inspection by any *bona fide* candidate the membership list of the Local Union covered by union security agreements once within thirty (30) days prior to the election date. No candidate shall be permitted by the Secretary-Treasurer to copy any names or addresses of employees shown on such list and such inspection must be made in the presence of the Secretary-Treasurer or his designee.

6. The Secretary-Treasurer shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof and the amount received therefor, a copy of the notices of nomination and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, all ballots, ballot return envelopes and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.

Section 17. DUES AND INITIATION FEES

A. The minimum monthly dues of this organization shall be calculated on the basis of the formula set forth in Article X, Section 3(d) of the International Constitution. In no event shall monthly dues be less than the minimum established in the International Constitution. Dues must be paid on or before the last business day of the current month, and any member failing to do so shall automatically lose his good standing for the purposes of Section 16.D.2.

B. Initiation fees for members in this organization shall be \$250.00, provided, however, that such initiation fee may be waived or reduced in connection with the organization of unorganized employees at the discretion of the Local Executive Board.

- C. Re-initiation fees shall be same as initiation fees.
- D. Any member who shall be three months in arrears in the payment of dues, fines, assessments, or other charges shall automatically stand suspended at the end of the third month and shall not be entitled to any rights or privileges of membership. Any member who has been automatically suspended for failure to pay dues and other charges shall be under a continuing obligation to pay dues during the period of his suspension. Upon payment of the delinquent dues and re-initiation fee, the member shall be restored to good standing status. However, payment of dues shall not restore good standing status if fines and other charges due are not paid. The Local Union Executive Board shall have the power to waive, or reduce, on a non-discriminatory basis, the payment of delinquent dues, assessments and/or re-initiation fees.
- E. General or Special assessments and levies may be made from time to time in the manner provided hereinafter.
- F. Any increase in the rate of dues or initiation fees or the levying of any general or special assessment shall be made at a general or special membership meeting in accordance with the following procedures.
1. Specific written notice (or notice published in any union periodical mailed to the membership) shall be mailed by the Secretary-Treasurer to each member at his last known home address at least fifteen (15) days prior to the meeting at which the membership will consider the question of whether or not such dues, initiation or reinstatement fees, general or special assessment shall be changed or levied. The notice shall indicate that a proposed increase or assessment is to be voted upon.
 2. At the meeting called as provided in this section, voting shall be by secret ballot of the members in good standing.
 3. A majority vote by secret ballot of the members in good standing voting at such meeting shall decide the issue.
 4. This provision supersedes Section 29 (Amendments) with respect to changing the dues and fees set forth in these By-Laws.

Section 18. MEETINGS

MEMBERSHIP MEETINGS SHALL BE GENERAL OR SPECIAL

- A. General Membership Meetings
1. General membership meetings shall be held monthly at such place and time as shall be designated by the Executive Board subject to disapproval by the membership. The time and place of meeting in effect when these By-Laws are

adopted shall continue until changed by the Executive Board upon reasonable and adequate notice to the membership. Membership meetings may be suspended during any three months between June and October by action of the membership at a meeting after reasonable notice of the intention to vote upon such question.

2. Members in attendance at membership meetings shall have the right to express their views, arguments or opinions upon any business properly before the meeting subject to these By-Laws and the rules and regulations adopted by the Executive Board pertaining to the conduct of meetings, but no member in exercising such rights shall evade or avoid his responsibility to the organization as an institution or engage in or instigate any conduct which would interfere with the Local Union's performance of its legal contractual obligations.

3. The Executive Board, subject to membership disapproval, is authorized to permit membership meetings to be held on a division, craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of the organization so as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members. There shall be no limitation on the right of any member to be heard at any such separate meeting provided herein on all matters which apply to the general membership, but such member shall be permitted to vote only at such separate division, craft or place of employment meeting to which he has been assigned. Membership meetings permitted under this subsection shall be subject to all of the requirements of subsections (A) (a) and (b) above.

When the Executive Board authorizes such meetings by division, craft or place of employment, each such meeting shall be conducted by the officers of the Local Union or by their designees and under the same procedures and rules as a general membership meeting, excepting only special meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc.

On all matters which apply to the general membership, the votes of the meeting of each particular division; craft or place of employment shall be totaled to determine the action of the Local Union in such matter.

Members of each separate division, craft or place of employment authorized to hold separate meetings may nominate candidates from their or any other division, craft or place of employment for election to union office; may vote separately on initiation fees, dues and assessments which may apply to them alone, if higher than the minimum applicable to the general membership; and may, when authorized by the local Executive Board, vote separately on approval or disapproval of, or on matters arising under, contracts applicable only to them, and strikes or other activities in which only they will participate.

B. Special Meetings

Ten per centum (10%) of the members in good standing of the local may submit a written petition for a special meeting to the President of the Local Union, setting forth the reasons thereof, and the President shall call the special meeting within a reasonable time. If the local comprises employees of more than one employer, then no more than half of each ten per centum (10%) shall be from the same employer. If the President does not call such meeting, the Executive Board shall call such meeting within fifteen (15) days of the original petition. The President may, on his own motion, call a special meeting. Reasonable notice of the date, time and place of any special meeting, and of the questions to be presented, shall be given to the membership.

C. Quorum

The quorum of a general or special membership meeting shall be ten (10). The Executive Board shall establish the number constituting the quorum for division, craft or place of employment meetings.

D. Referendum

When a referendum is authorized by the General President or the Local Union Executive Board, reasonable notice shall be given by the Secretary-Treasurer, of the time, date, place and question upon which the referendum is to be held. In a referendum, only members affected shall be permitted to vote concerning matters not affecting the entire membership. The Executive Board shall, at least ten (10) days in advance of the referendum, adopt rules and regulations for the conduct of the referendum.

Subject to the provisions of Article VI, Section 1(h) of the International Constitution, every member eligible to vote in an election under Section 16 shall be eligible to vote on any "question before the membership or in a referendum.

Section 19. MEMBERSHIP

A. A person shall be considered a member when he meets all the following requirements for membership:

1. He shall have executed a written application for membership on a form provided by the Secretary-Treasurer.
2. He shall have signed a dues check-off authorization permitting the initiation fee to be withheld from earnings. If no dues check-off authorization is signed, membership shall date from the first month for which dues are paid, once full payment of the initiation fee is completed. Or he shall have paid his initiation fee and one month's dues by cash.

3. The Local shall have accepted his application.

4. He shall have taken the oath of obligation as a member at a regular meeting following the acting upon his application, unless dispensed with by the Local Union by policy or practice; provided, however, that no applicant shall become a member in the first ten days following the filing of his written application. In the event the applicant shall fail to take the obligation within a reasonable time following the acceptance of his application, he shall forfeit the moneys tendered except for good cause shown.

5. The first money received from an applicant for membership must be applied to the payment of dues for the month in which the applicant is first obligated to pay dues. If this Local Union permits an applicant to pay an initiation fee on a deferred basis, the installment payments must be allocated to first satisfy the member's dues obligation. Membership for new members shall date from the first month for which dues are paid once full payment of the initiation fee is completed. All new members presenting themselves for initiation shall receive upon request a free copy of the International Constitution and Local Union By-Laws from the Local Union. However, any alleged failure to receive such copy shall not excuse a member from violation of any duty or obligation imposed upon him by his oath of office, initiation or membership.

B. Good Standing.

1. A member shall lose his good standing membership in the organization by suspension or expulsion from membership after appropriate proceedings consistent with the By-Laws or the Constitution, or by nonpayment of dues on or before the last business day of the current month. Members whose dues have been withheld by their employer pursuant to a voluntary check-off agreement shall not be declared in bad standing merely because the employer fails to remit checked-off dues to the Local Union on or before the last business day of the month. Payment of dues to an officer or steward authorized by this Local to collect such dues shall be deemed payment to the Local.

2. A member in a suspended status because of his failure to pay his dues or other obligations as required by the International Constitution and these By-Laws, and not suspended or expelled from membership pursuant to disciplinary action, may reinstate his good standing for the purpose of attending Local Union meetings and voting at elections by the payment of all delinquent dues and other financial obligations prior to such meeting and election.

C. Issuance of Transfer and Withdrawal Cards.

1. The issuance of transfer cards must be handled in strict compliance with Article XVIII, Section 1(a) (e) of the International Constitution. The acceptance of transfer cards must be in accordance with the provisions of Article XVIII, Section 3. The jurisdiction to issue honorable withdrawal cards must be handled in strict compliance with Article XVIII, Sections 5 and 6 of the International Constitution.

2. In any case where the Local Union is required to give to a member an honorable withdrawal card under the terms of the International Constitution and these By-Laws, it may provide for the continuance of Local Union benefits to such inactive member under conditions which it may set forth, but such inactive member shall not be permitted to hold office or vote, and shall have only such right to participate in the meetings and affairs of the Local Union as shall be permitted by the Executive Board.

3. Any incumbent officers of this Local Union who retires from his office shall cease to hold any other office or position he occupies by virtue thereof as of the effective date of his retirement. Any incumbent part-time Local Union officer who retires under any pension plan, the benefits of which he is entitled to by reason of his current employment at the craft (other than as a Union officer), shall cease to hold any office as of the effective date of his retirement.

D. Upon the approval of these By-Laws by the General President, supervisory employees and such other classifications as the Executive Board may lawfully determine shall take no part on committees selected to negotiate wages and working conditions with employers, and shall not be permitted to vote on any such agreement or on any vote to strike or take other action with respect to the agreement to which they may be subject or parties. Supervisory employees shall not be permitted to hold office unless permitted by federal, state, local or provincial law.

E. Responsibility of Members to the Local Union

1. Every member by virtue of his membership in this Local Union is obligated to abide by these By-Laws and the International Constitution with respect to his rights, duties, privileges and immunities conferred by them. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

2. Every member by virtue of his membership in this Local Union authorizes this Local Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer governing terms and conditions of employment and to act for him and have final authority in

presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his employment with such employer, in such manner as the Local Union or its officers deem to be in the best interests of the Local Union, all subject to Article XII and other applicable provisions of the International Constitution relating to such matters. The Local Union and its officers, business representatives and agents may decline to process any such grievance, complaint, difficulty or dispute, if in their reasonable judgment such grievance, complaint, or dispute lacks merit. The provisions of Article XII, Section 2, relating to area, multi-area, national, company wide or industry-wide contracts, shall supersede any provision of this Section.

3. No member shall interfere with the elected officers or business agents of this organization in the performance of their duties, and each member shall, when requested, render such assistance and support in the performance of such duties as may be required by them, provided that this does not interfere with the individual rights as members. Each member and officer shall adhere to the terms and conditions of the pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its legal or contractual obligations.

4. No member shall engage in dual unionism or espouse dual unionism or disaffiliation, or be a party to any activity to secure the disestablishment of the Local Union as the collective bargaining agent for any employee.

5. No member shall be permitted at any union meeting or assembly to engage in any of the conduct hereinabove described.

6. Every member shall follow the rules of order at all meetings of the Local Union.

7. Membership in this Local Union shall not vest any member thereof with the right, title or interest in or to the funds, property or other assets belonging to the Local Union now or hereafter and no member shall have a property right to membership in this organization.

8. No member seeking to resign from membership in any Local Union may do so except by submitting such resignation in writing to the Secretary-Treasurer of the Local Union. Any member who resigns before he has paid all dues, assessments, fines and other financial obligations owing to any subordinate body shall be obligated to pay such obligations to his former Local Union. All members acknowledge that any obligations owing at the time of resignation shall be collectible by the Local Union in any appropriate forum. This shall not relieve any member of any obligation to comply with any other provision of this

Constitution regarding acquisition or maintenance of membership in good standing.

F. Rights of Members

No provision of these By-Laws rule of parliamentary procedure or action by the Local Union or its officers shall be administered in such a way as to deprive individual members of their rights under applicable law and the following membership rights:

1. The right to nominate candidates or vote in elections or referendums of the union;
2. The right to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings;
3. The right to meet and assemble freely with other members and to express any views, arguments or opinions; and to express at meetings views upon candidates in an election of the union or upon any business properly before the meeting, subject to the organization's established and reasonable rules;
4. The right to information concerning the conduct of Local Union business;
5. The right to institute an action in any court or in a proceeding before any administrative agency, irrespective of whether the Union or its officers are defendants in the action, or to appear as a witness in a judicial, administrative or legislative proceeding, or to petition any legislator, subject to the exhaustion of intra-union remedies as, required by the International Constitution and applicable law.
6. For the purpose of Section 19(F) only, the term meeting includes any public meeting to which members of the Local Union are invited.

Section 20. CHARGES AND TRIALS

A. Each member of this Union shall have the right to fair treatment in the application of Union rules and law in accordance with the International Constitution and these By-Laws. In applying the rules and procedures relating to union discipline, the essential requirements of due process of law (notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality followed in courts of law. Recognizing that these requirements of fairness and due process of law will be administered by groups of laboring men, this Local Union adopts the following procedures which supplement the requirements of Article XIX of the International Constitution. The following procedural guides are designed to attain justice both to the individual member and the organization, and in instances where deviations from such procedures are not such as to substantially affect

the members' substantive right, these procedures are not to constitute technically precise requirements of strict pleadings of courts of law.

B. Trials and Appeals

1. Trial. Every member charged with a violation of these By-Laws or the International Constitution shall be accorded a full and fair hearing as required by law. No member of the Local Union Executive Board involved in the subject matter of the charge shall sit on the trial board. The decision on disqualification under this provision, if raised by an interested party, shall be made in the first instance by majority vote of the Local Union Executive Board, whose decision shall be appealable as part of the case, in accordance with the appeal procedure of the International Constitution and these By-Laws. The officer alleged to be involved shall not vote on whether he is qualified to remain on the hearing panel. If the member charged or preferring charges is a member of the Local Executive Board or if a member of the Local Executive Board is unable to attend the hearing for any reason, then the principal executive officer of the Local Union shall appoint an uninvolved member as a substitute. If either the President or Secretary-Treasurer of the Local Union is charged or is preferring charges or is unable to attend the hearing for any reason, the other officer shall appoint the substitute. If both the President and the Secretary-Treasurer of the Local are charged or are preferring the charges, or for any reason are unable to attend the hearing, the remaining members of the Local Union Executive Board shall appoint the substitutes. Charges by or against or involving a majority of the members of the Local Union Executive Board shall be filed with the Secretary-Treasurer of the Joint Council for trial by the Joint Council Executive Board. In no event shall any involved officer or member serve on a hearing panel, participate in the selection of a substitute member of a hearing panel, or participate in the decision making process of the trial body.

Whenever the words "Joint Council" appear in other sections of these By-Laws, they shall mean Joint Council or State or Multi-State Joint Council and include State or Multi-State Conferences in all matters relating to disputes and appeals where there is no chartered Joint Council.

2. Charges. Charges shall be in writing and signed by those filing same and must be filed in duplicate with the Local Union Secretary-Treasurer of the body which is to hear the charges, who shall serve the charges and notice of the hearing upon the accused either in person or by registered or certified mail at least ten (10) days prior to the hearing. No hearing on any charge shall be held less than ten (10) days from the date on which notice of hearing has been served on the parties unless all parties agree to waive this requirement. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case.

The charges must set forth the provisions of the International Constitution or these By-Laws allegedly violated and the acts which allegedly constitute such violation in sufficient detail to inform the accused of the offense charged, including, where possible, dates and places. If charges are filed, the charging party must include in the charges all alleged offenses of which he has knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. Any charge based upon alleged misconduct which occurred more than five (5) years before the discovery of the conduct giving rise to the charge is barred and shall be rejected by the Secretary-Treasurer, except charges based upon the non-payment of dues, assessments and other financial obligations. No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded. Nor shall a member or officer be required to stand trial on charges that are substantially the same as arise under the same circumstances as prior internal union charges against such member or officer, provided that a decision was rendered on those prior charges. Charges against elective officers of the Local Union shall be limited only to those activities or actions occurring during their current term of office, and only those activities and actions occurring prior to their current term which were not then known generally 'by the membership of the Local Union. Charges may be preferred against a suspended member or an ex-member who has been issued a Withdrawal Card.

3. Rights of the Accused. Throughout the proceedings, there shall be a presumption of innocence in favor of the accused. In order to be sustained, the charges must be supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favorable to him and cross-examine adverse witnesses. The charging party, the accused and the Local Union Executive Board may select only a member of the Local Union to represent them at a hearing conducted before any trial or appellate body. Witnesses need not be members of the Union. The hearings shall be open to other members, subject to the discretion of the Local Union Executive Board in maintaining order and in excluding witnesses except when testifying.

4. Action by the Local Union Executive Board. A summary of the testimony and evidence introduced at the hearing shall be made and a copy of such summary shall be furnished the accused. Any request by a party that a verbatim record be made must be received by the Executive Board not later than five (5) business days prior to the scheduled commencement of the hearing and shall be honored. The Local Union Executive Board shall have the authority to determine the manner or reporting the hearings and shall have the authority to exclude any

method not authorized by it. If the Local Union Executive Board decides to have a transcript or recording of the hearing made, the Local Union Executive Board shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any interested party for copying or consultation without cost.

If on appeal any appellate body makes a transcript or recording of the proceedings on appeal, such appellate body shall furnish a copy of the same to the accused and to other interested parties upon payment of the cost for same, or shall make such copy available to any party for copying or consultation without cost. Within twenty (20) days after completion of the hearing, the Local Union Executive Board shall decide the case. The decision of the Local Union Executive Board shall be in writing and contain the charges, its own factual findings and decision, and a notice to the parties informing them of the proper body to which they may appeal, and the time within which the appeal must be filed. A copy of the decision of the Local Union Executive Board must be forwarded to the parties without delay. A copy of all documents in the proceedings shall be kept available at the Local Union's principal office until final disposition is made of the case.

5. Appeals. Appeals shall be taken pursuant to the provisions of Article XIX of the International Constitution.

6. In the event of noncompliance with the decision handed down by a trial or appellate body, the member, Business Agent, officer or Local Union shall stand suspended from rights and privileges under the International Constitution until the provisions of the decision have been complied with, unless the General President has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal.

Section 21. BONDING

A. Every officer, agent, shop steward, employee or other representative of this Local Union who handles funds or other property of this organization shall be bonded in accordance with the requirements of the International Constitution and applicable Statute. The amount of bond required of each person shall be ascertained by the Executive Board, and the premium charges shall be paid out of the general funds of the Local Union.

B. If the Executive Board, in its sole judgment, believes that it would be to the advantage of this organization to join with the International and/or any or all of its subordinate bodies or affiliated local unions in obtaining a bond or bonds covering

persons in this Local Union and such other organizations under a bond or bonds issued to said International Union or other subordinate body, then, in such event, the Executive Board is authorized and empowered to enter into such arrangements and pay from the general funds of this Union the cost for bonding these persons in this Union, but such surety coverage shall conform to the requirements set forth in Section A.

C. Should the bond of any person required to be bonded be cancelled after surety coverage has been afforded, then, such person shall be allowed thirty days within which to arrange either for reinstatement of his coverage or the substitution of another bond meeting the requirements of Section A above to take the place of the cancelled bond. However, during the period such person is not covered by such surety bond, the Executive Board shall make whatever arrangements shall be necessary to relieve such person of the handling of any money or property of the Union.

D. If an employee referred to in Section C above cannot within 30 days provide the surety bond required in conformity with the provisions of Section A above, the Executive Board shall be authorized and empowered to permit him to remain in his position under such arrangements as it may consider reasonable, but shall not require or permit him to handle any of the money or control any of the property of the Local Union.

E. If an officer referred to in Section C above cannot within 30 days provide the surety required in conformity with the provisions of Section A above, that officer shall automatically be deprived of holding any office for which a bond is required, unless the International Constitution shall provide otherwise.

Section 22. STANDING RULES FOR UNION MEETINGS

- Rule 1. The regular order of business may be suspended by a vote of the meeting at any time to dispose of anything urgent.
- Rule 2. The Chairman of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.
- Rule 3. Any conversation by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business, shall be deemed a violation of order.
- Rule 4. Attending meetings under the influence of liquor or drugs is basis for removal.
- Rule 5. The meeting may determine what portions of its business shall be secret.

- Rule 6. When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair he shall state his name.
- Rule 7. If two or more members rise to speak, the Chair shall decide which is entitled to the floor.
- Rule 8. Every member, while speaking, shall adhere to the question under debate and avoid all invective and indecorous language, but all members shall have the right to express their views, arguments and opinions upon candidates and upon any business properly before the meeting.
- Rule 9. No member shall interrupt another member while speaking except for a point of order, and he shall definitely state the point, and the Chair shall decide the same without debate.
- Rule 10. Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.
- Rule 11. If any member shall feel himself aggrieved by a decision of the Chair, he may appeal from the decision to the meeting without debate.
- Rule 12. When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chairman to the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member taking the appeal will have the right to state the grounds of appeal, and the Chair will give his reasons for the decision. Thereupon, the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the Chair.
- Rule 13. No member shall speak more than once on the same question until all members wishing to speak have had an opportunity to do so; nor more than twice without the permission of the Chair, nor more than ten (10) minutes at one (1) time.
- Rule 14. All resolutions and motions, other than the first six in Rule 18, or to accept or adopt the report of a committee, shall be reduced to writing by the Recording Secretary before the President shall state the same to the Local Union.
- Rule 15. In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be admitted until the question is stated by the Chair.

- Rule 16. Any member may call for a division of a question when the subject or sense admits thereof.
- Rule 17. All votes other than amendments to these By-Laws or Rules of Order may be reconsidered at the same or next succeeding meeting upon a motion made and seconded by two (2) members who voted in the majority, provided the membership agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.

Privileged Questions

- Rule 18. The following motions shall have precedence in the following order: First, to adjourn; second, to close debate; third, to take up the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth, to amend. The first four shall be decided without debate.
- Rule 19. The following motions are not debatable: (1) to adjourn; (2) to lay on the table; (3) the previous question.
- Rule 20. When a question is postponed indefinitely, it shall not come up again, except upon a majority vote.
- Rule 21. The motion to close debate may be made by two (2) members, and shall be put in this form: "Shall the debate now close?" If adopted, the President shall proceed to take up the question before the membership, according to priority, without further debate.
- Rule 22. The call for the previous question on the original motion may be made by six (6) members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take up the question on the original motion to the exclusion of all debate and all amendments which have not been adopted.
- Rule 23. If proper motion to amend has been made, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall then be put as follows: (1) amendment to the amendment; (2) amendment; (3) original proposition.
- Rule 24. A motion to adjourn shall always be in order except: (1) when a member has the floor; (2) when members are voting; (3) when a motion is pending.
- Rule 25. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Local Union, until fifteen (15) minutes have elapsed.

Voting

- Rule 26. The Chair shall state every question coming before the Local Union permitting the opening of debate thereon. Immediately before putting it to a vote he shall ask: "Is the Local Union ready for the Question?" Should no member rise to speak on the question, or if a majority shall vote to close discussion, the Chair shall put the question. After he has risen, no member shall be permitted to speak further upon it.
- Rule 27. When the presiding officer has commenced taking the 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 recommence taking the vote.
- Rule 28. When a motion has been declared carried or lost by acclamation, any member, before the Local Union proceeds to other business, may call for a count of the "yeas" and "nays."
- Rule 29. The "yeas" and "nays" may be called for by two (2) members and upon the assent of one-third (1/3) of the members present shall be taken
- Rule 30. Any question on procedure in debate, not provided for herein, shall be governed by Robert's Rules of Order, Revised.
- Rule 31. All rulings of the presiding officer on procedure which are not challenged during the meeting become final and un-appealable upon adjournment of the meeting.

Section 23. STANDING COMMITTEES

The Standing Committees of this Local Union may include Committees on By-Laws, Political Action and Legislation, Finance and Organization, Application, Unemployment, Grievance and Benefits, and such committees shall perform such duties and functions as shall be assigned to them from time to time by the Executive Board.

Section 24. INTERNATIONAL CONSTITUTION

The Local Union acknowledges that the Constitution of the International Brotherhood of Teamsters, supersedes any provisions of these By-Laws herewith or hereinafter adopted which may be inconsistent with such Constitution. The Local Union hereby readopts, as its Constitution, such International Constitution, and incorporates herein by reference, as though fully set forth herein, all such provisions of such Constitution, as it may be interpreted, modified or amended from time to time,

which are applicable to Local Union matters and affairs, and shall perform all the duties imposed upon a Local Union by such Constitution.

These By-Laws are subject to the Constitution and By-Laws of the international Brotherhood of Teamsters and applicable Conference and Joint Council By-Laws.

Neither this Local Union, nor any of its officers, business representatives or employees, has the power to make any contract or agreement nor to incur any liability which shall be binding upon the International Union or any of its affiliates other than this Local Union unless the written consent of the governing body or executive officer thereof has first been obtained authorizing such action. Neither this Local Union nor any of its officers, representatives or employees has been authorized or empowered to act as an agent of the International or any of its affiliated bodies and shall not be deemed an agent for any such body unless expressly authorized in writing by the governing body or executive officer of such body to act in that capacity. No agreement or contract shall be binding upon this Local Union unless executed and delivered by its duly authorized officer, and a contract or agreement for personal services shall not be binding beyond the expiration of the term of the Executive Board at the time such contract or agreement is made. This shall not prevent a Local Union Executive Board from entering into a *bona fide* collective bargaining agreement with another union covering Local Union employees, subject to the requirements of Article XXII, Section 2(b) of the International Constitution.

Section 25. LOCAL UNION PROPERTY

No property of the Local Union, and no property in the possession, custody or control of this Local Union or any of its officers, representatives or employees and no property held in trust by any trustee for and in behalf of this Local Union, expressed or implied, which was created or established by this Local Union, and whose purpose is to provide benefits for the Local Union itself, or the members of the Local Union or their beneficiaries, shall be given, contributed, donated or appropriated, either directly or indirectly, to aid or assist or be expended in behalf of any seceding, dual or antagonistic labor organization or group, nor to any local union which is acting in violation of the Constitution of the International.

Section 26. NEGOTIATIONS, RATIFICATION OF AGREEMENTS, STRIKES AND LOCKOUTS

A. Whenever a collective bargaining agreement is about to be negotiated, modified or extended at the request of this Local Union, the principal executive officer shall call a meeting at which the membership shall determine and authorize the bargaining demands to be made. The Local Union Executive Board shall determine whether such meeting shall be limited to the members in a particular division, craft or place of employment. Where this Local Union is a participant, in an area-wide or conference-

wide agreement, it is understood that the bargaining demands of this Local Union may be accepted, modified or rejected by the overall negotiating committee in accordance with such rules and procedures as may be adopted by the area-wide or conference-wide bargaining group.

B. The Secretary-Treasurer shall submit to Joint Council No. 3 two (2) copies of all proposed collective bargaining agreements with a company in an industry in which there is an area standard established by pre-existing agreements or amendments thereto, or where otherwise directed to do so by the Joint Council, for approval before submission to the employer. If no Joint Council exists, such proposals shall be submitted to the State conference for its approval. In those cases where the proposed agreement is for operations which are already subject to an area-wide agreement, or a prospective area-wide agreement is already planned, the proposed agreement shall be submitted to the Director of the appropriate Trade Conference or Division for approval before submission to the employer.

C. Ratification of agreements or amendments shall be subject to vote in the same manner as provided for in connection with bargaining demands as set forth in Section 26(A)1. or in the case of area-wide or conference-wide agreements in accordance with the Constitution and rules adopted by such bargaining group, except that where the General Executive Board had directed the Local Union to refrain from executing such agreement, no proposed agreement shall be considered ratified by any vote until and unless it is specifically approved by the General Executive Board. True copies of final agreements arrived at by the Local Union shall be filed by the Secretary-Treasurer with the Economic and Contracts Departments of the International Union within sixty (60) days after execution, together with a list of names and locations of employers and number of employees covered by such agreements. The Secretary-Treasurer shall, as of January 1st of each year submit to the Economic and Contracts Departments of the International Union a list of agreements in effect, showing the name of the employer or employers, parties thereto, location or locations, and the expiration date.

D. If a settlement cannot be reached in connection with the negotiation or modification of a collective bargaining agreement between the members of this Local Union and an employer after the officers have used reasonable means of achieving a settlement through the processes of collective bargaining, the matter shall be subject to the strike procedure, conditions and qualifications set forth in the Constitution. The Local Union Executive Board may, in its discretion, provide that the strike vote be limited to the members employed in a particular division craft or place of employment. In cases where area-wide or conference-wide agreements are involved, it is understood that the specified majorities of the members covered by such agreements must vote to strike as set forth in Article XII, Sections 1 or 2 of the Constitution, and in such event, such strike vote shall apply to this Local Union, irrespective of the individual vote of this Local Union on that question.

E. Strike votes shall not be required where a collective bargaining agreement then in existence does not prohibit strikes for the purpose of enforcing the terms of such agreement. In such cases, the Local Union Executive Board may call a strike, or, in its discretion, refer the matter to the general membership or to the membership directly affected, as it shall determine. Nor shall a strike vote be required for a strike in support of demands that a unit employer agree to the terms and conditions of an agreement already negotiated on a state, multi-state, multi area or national, company-wide or area basis. In either case the Local Union Executive Board, subject to the approval of the General President, may call the strike in support of its position, and may also, with the approval of the General President, terminate such strike.

F. At least forty-eight (48) hours prior to a strike, and in the case of picketing, lawsuit or other serious difficulty; the Secretary-Treasurer shall immediately notify the Joint Council of which it is a member of any contemplated action as required by the Constitution.

G. Out-of-work benefits shall be payable to members only as provided by and in accordance with the Constitution. The Secretary-Treasurer shall be responsible for securing of such benefits where the Local Union is eligible to receive them, executing all documents required by the International and returning all moneys to the International Union remaining unused by the Local Union at the close of the strike or lockout.

H. Strikes which are not terminated by the conclusion of a collective bargaining agreement or by arbitration or otherwise may be terminated in such manner as the Local Union Executive Board shall determine appropriate.

Section 27. SAVING CLAUSES

Section 1. The provisions of these By-Laws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However all financial obligations imposed by or under the International Constitution and these Local Union By-Laws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law. The General Executive Board is authorized to adopt any plan or arrangement relating to such requirements and obligations which may be imposed by applicable law.

Section 2. If any provision of these By-Laws shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administration branch of the federal or state government, the Local Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity

and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section of these By-Laws should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of these By-Laws or the application of such Article or Section to persons or circumstances other than those to which it has been held invalid shall not be affected thereby.

Section 3. Where used in these By-Laws, words in the masculine also shall be read and construed as in the feminine in all cases where such construction would also apply.

Section 28. TERMS OF OFFICERS

Each officer shall be elected for a three-year term, which shall commence on the first day of January immediately following his or her election. The incumbents in office at the time of the adoption of this Constitution and By-Laws shall continue in office for the remainder of their respective terms.

Section 29. AMENDMENTS

This Constitution and By-Laws may be amended by the following procedure:

A. An amendment may be proposed by any five (5) members who shall submit to the Secretary-Treasurer such proposed amendment in writing signed by each of the five members.

B. The proposed amendments shall then be read at two (2) consecutive meetings of the membership or at two (2) consecutive division, craft or place of employment or similar meetings (if the Local Union Executive Board has determined that membership meetings be conducted on such basis), and voted upon at the third meeting or meetings. A two-thirds (2/3) vote of the members in good standing voting at such meeting shall be required for passage.

C. Amendments to these By-Laws are subject to the approval of the General President, as provided in Article VI, Section 4, of the International Constitution and shall not be effective until such approval has been given.

Section 30. OBLIGATION

Fellow worker, you will now take an obligation that will bind you to the International Brotherhood of Teamsters, and this Local Union, and that will in no way conflict with your religious belief or your duties as a citizen:

I, (give name), pledge my honor to faithfully, observe the Constitution and the laws of the International Brotherhood of Teamsters, and the By-Laws and laws of this Local Union.

I pledge that I will comply with all the rules and regulations for the government of the International Union and this Local Union.

I will faithfully perform all the duties assigned to me to the best of my ability and skill.

I will conduct myself at all times in a manner as not to bring reproach upon my Union. I shall take an affirmative part in the business and activities of the Union and accept and discharge my responsibilities during any authorized strike or lockout.

I pledge not to divulge to non-members the private business of this Union, unless authorized to reveal the same.

I will never knowingly harm a fellow member.

I will never discriminate against a fellow worker on account of race, color, religion, sex, age, physical disability, or national origin, or sexual orientation.

I will refrain from any conduct that would interfere with the Union's performance of its legal or contractual obligations.

I will at all times bear true and faithful allegiance to the International Brotherhood of Teamsters and this Local Union.

Section 31. FISCAL YEAR

The fiscal year of this organization shall be the calendar year from January 1 to December 31.

Section 32. STRIKE FUND

The Teamsters Local Union No. 455 Strike and Defense Fund is established for the purposes of helping to sustain our members and their families during a legally sanctioned strike and/or labor dispute; supporting and helping to sustain our members engaged in collective action to obtain recognition, obtain and/or protect wages and benefits through the negotiation of collective bargaining agreements, or to enforce collective bargaining agreements; supporting our members who have been locked out by their employers; and supporting authorized activities as approved by the Executive Board to defend and promote the best interests of members in a sanctioned labor dispute. Support of members in a sanctioned labor dispute may include the cost of advertising, organized economic action, and other authorized activities as approved by the Executive Board to promote and defend the best interests of the members, the Union, and the Union's contracts.

Each member will be assessed the amount of Two Dollars (\$2) per month, to be used exclusively for the Strike and Defense Fund. For all purposes, this assessment will be considered as union dues. Earnings on the money in the Strike and Defense Fund shall continue to be deposited and used in the Union's General Fund, and shall be reported as such. A timely payment of monthly Strike and Defense Fund assessments shall be required as a condition of maintaining membership in good standing in Local Union No. 455.

Strike benefits shall be paid to eligible members at the rate of One Hundred Dollars (\$100) per week for the full week of a legally sanctioned strike, and at the rate of One Hundred Twenty-five Dollars (\$125) per week for each full week thereafter. Members who have been locked out by their employers shall be entitled to similar benefits. Such Strike and Defense Fund benefits would supplement any out-of-work benefits received by such members from the International Union. To be eligible for Strike and Defense Fund benefits, the member must be in good standing and shall be available to serve on picket duty as assigned by the Local Union. Additionally, a member must be out of work for not less than one full week in order to be entitled to strike or lockout benefits. A decision of the Executive Board on eligibility for strike or lockout benefits shall be final and conclusive on all parties. For eligible members who work in the public sector whose right to strike is either qualified or prohibited under State law, the Strike and Defense Fund may be used to support authorized activities as approved by the Executive Board to defend and promote the best interests of such members in a sanctioned labor dispute.

Approved by International Brotherhood of Teamsters



General President