

CONSTITUTION



International Union of
Operating Engineers



INTERNATIONAL UNION OF OPERATING ENGINEERS

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THE
CONSTITUTION
GOVERNING
**THE INTERNATIONAL UNION OF
OPERATING ENGINEERS**
AND
ALL SUBDIVISIONS, BODIES, LOCAL UNIONS
AND MEMBERS THEREOF

THE INTERNATIONAL UNION OF OPERATING ENGINEERS
ORGANIZED DECEMBER 7, 1896

AFFILIATED WITH AFL-CIO

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PREFACE

SUGGESTED ORDER OF BUSINESS FOR LOCAL UNIONS

1. Meeting called to order per Ritual.
2. Examination of dues books and/or cards by Conductor
3. Roll call of officers.
4. (a) Minutes of the previous meeting.
(b) Minutes of the Local Executive Board.
5. Presentation of applications for membership.
6. Reports of committee on applications.
7. Reading of communications by the Recording-Corresponding Secretary.
8. Reading of receipts for the per capita tax and other monies sent to the General Secretary-Treasurer.
9. Election and installation of officers.
10. Reports of sickness, accident and death of members.
11. (a) Reports pertaining to apprentices.
(b) Reports pertaining to Branch Locals.
12. Unfinished business.
13. New business.
14. Reports of (a) Officers
(b) Delegates
(c) Committees:
 - (i) Safety and health
 - (ii) Legislation and political action
 - (iii) Other
(d) Business Representatives
(e) Trustees
(f) Auditors
(g) Treasurer.
15. Subjects for the good and welfare.
16. Appropriations for monies from the treasury (drawing orders signed by the President and the Recording-Corresponding Secretary authorizing the payment of bills and other expenses).
17. Motion or order for adjournment.

THE CONSTITUTION OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS

ARTICLE I NAME, PURPOSES, GOVERNMENT AND RITUAL

Name

Art. 1. This organization shall be known as the International Union of Operating Engineers and it shall be the policy of this organization to be affiliated with the AFL-CIO and such of its departments as this organization may deem expedient.

Purposes

Art. 1. The objects and purposes of this organization are to elevate the trade of operating engineers (by which trade the membership thereof earn a livelihood for themselves and their dependents) to its proper position in all industrial activity and the ranks of organized workers; to encourage a higher standard of skill among its members; to cultivate feelings of friendship among the men of the craft and those who may employ its members; to organize all persons working in the jurisdiction of this International Union without regard to race, creed, color, sex, religion, age or national origin; to promote the health, welfare and safety of its members and their families; to promote, foster and develop apprentice programs, training programs and other means to advance the skills, efficiency and working knowledge of its members; to assist its members in securing and stabilizing employment; to assist employers in obtaining skilled craftsmen; to secure improved wages, hours, and working conditions through assisting affiliated Local Unions in negotiating collective

bargaining agreements and through legislative action and other appropriate means; to further, directly and indirectly, the joint interest of the members of the International Union in the betterment of general economic and social conditions in the world, by engaging in legislative, political, educational, civic welfare, and other appropriate activities; while preserving the integrity and autonomy of this International Union, to work within the AFL-CIO and to cooperate with other International Unions for the advancement of the entire labor movement, and to assist and cooperate with free and democratic labor organizations throughout the world; to provide aid and assistance for, and to bring about cooperation and coordination of effort among affiliated Local Unions; to insure the better protection of life and property by securing the enactment of state, provincial and city Engineers' License Laws and by other appropriate means; and to protect and strengthen our democratic institutions and to vigorously oppose the efforts of those who advocate the overthrow of the established order, either of government or of this organization, by force or violence or subversive tactics.

Government

Art. I. The International Union of Operating

Section 3. Engineers shall be governed by the following bodies:

1. General Convention
2. General Executive Board
3. Officers
4. Board of Trustees
5. State and Provincial Organizations
6. Joint Executive Boards
7. District Councils
8. Parent Local Unions

and each of such bodies shall constitute a distinct entity each with its own separate identity but functioning in conformity to the Constitution and Ritual. No Local Union

or its officers, employees or members, shall have power or authority to act, nor be deemed to act, on behalf of or agent for, or legally bind any other Local Union or member thereof, the General Convention, the General Executive Board, any of the General Officers, or the International Union of Operating Engineers, unless such authority is expressly granted by the provisions of this Constitution or by the General Executive Board. No Local Union, officer or member thereof, Supervisor or Representative, shall be authorized or permitted to accept service of summons, subpoena, or make entry of appearance, for or on behalf of the International Union, any General Officer, the General Executive Board, the Board of Trustees, or any other Local Union or other subdivision of the International Union of Operating Engineers.

Ritual

Art. I. The Ritual and Obligation shall form a part
Section 4. of this Constitution and shall be administered in such form, and from time to time revised in such manner as the General President, with the approval of the General Executive Board, may direct.

ARTICLE II EMBLEM

Description

Art. II. The official emblem of the International
Section 1. Union of Operating Engineers, duly registered as a trademark, is as follows:



Use of Emblem

Art. II. This emblem shall be generally used on all
Section 2. printed matter, including charters, supplies and stationery of the organization and its various subdivisions, and in forms to be worn by members.

Seals and Facsimiles

Art. II. The official seal of the organization shall
Section 3. bear this emblem. The seal of each General Officer and subdivision of the organization shall likewise bear this emblem together with the title of such officer or the name of such subdivision using the same. No seal shall be held or used by any General Officer or subdivision of the organization, nor shall the use or holding of any seal confer authority unless such seal shall have been furnished by the General Secretary-Treasurer. All seals shall be the property of the International Union of Operating Engineers. No facsimile of the emblem shall be used except such as are supplied by the General Secretary-Treasurer.

ARTICLE III GENERAL CONVENTIONS

Powers

Art. III. All the sovereign power, including the leg-
Section 1. islative, executive, administrative and judicial, of the International Union of Operating Engineers shall be vested in its General Convention when in session. Specifically, but not in limitation of the power thus vested, the General Convention may grant and issue charters for Local Unions and subdivisions thereof and local, State and Provincial organizations and such other subdivisions of the International Union as from time to time may be deemed advisable; set the cost for said charters and necessary supplies issued with said charters; suspend and revoke any of said charters; adopt and issue a seal for the International

Union, its General Officers, its Local Unions, local, State and Provincial organizations and any other subdivisions; adopt, print and issue dues books and/or cards for the use of the membership; print and issue per capita tax dues stamps and collect for same; print, issue and mail an official journal; print and issue such books, stationery, supplies and paraphernalia and sell the same to affiliated Local Unions, local, State and Provincial organizations and any other subdivisions for the proper keeping of their records and affairs; invest the funds of the International Union; buy and sell real estate (improved or otherwise) and bonds and other securities; establish, impose and collect per capita tax; establish, impose and collect assessments upon members, charter applicants, Local Unions, local, State and Provincial organizations and any other subdivisions as hereinafter provided; impose an initiation fee and an initiation fee tax; establish a Defense Fund and pay strike benefits; establish, revise, amend and from time to time change the Death Benefit Fund and pay regulated benefits therefrom; supervise the operation of Local Unions, local, State and Provincial organizations and any other subdivisions and appoint supervisors and receivers when necessary; prefer charges against Local Unions, local, State and Provincial organizations and any other subdivisions and officers (individually or collectively) or their members (individually or collectively) and order trials with authority to discipline those affected; prefer charges and order trials with authority to discipline any General Officer or any member of the Board of Trustees; register, copyright and trademark the name of its official journal, its emblem and any document of the organization; establish and maintain a general headquarters in Washington, D.C.; employ clerical and other help; employ organizers and deputies; confiscate and sue for the possession of all real and personal property, paraphernalia, books, charters, records, card indexes, seals and funds of a Local Union, local, State or Provincial organization and any other subdivision; establish a General Ex-

ecutive Board with full powers of the Convention between Conventions; include and adopt as part of the Constitution a procedure for the government and regulation of Local Unions, subdivisions thereof, local, State and Provincial organizations and any other subdivisions; establish, define, segregate, assign and amend craft jurisdiction and territorial jurisdiction to which Local Unions, their subdivisions, local, State and Provincial organizations and any other subdivisions already established or hereinafter chartered shall confine their activities; establish, enter into, amend or abrogate understandings or written agreements with other craft unions affiliated with the AFL-CIO; amalgamate competitive craft unions with the International Union of Operating Engineers and by such amalgamation compel all individual officers and members of the amalgamated union to be subservient to the Constitution, amendments thereto and decisions and orders of the General Executive Board and the General President of the International Union; review and decide appeals from decisions properly filed with it; provide for the general welfare of the organization and its members; take all steps necessary to protect the interests of the organization; make all disbursements necessary or appropriate in the exercise of the above powers or in the fulfillment of the objects and purposes of the International Union; together with all other rights, powers, privileges and immunities not herein specifically denied.

Method of Holding Conventions

Art. III. A General Convention of the International
Section 2. Union of Operating Engineers shall be held during the month of April 1988 and every five (5) years thereafter during the month of April, or if the logistics of arranging the Convention so require, during any period between March 20 and May 10, at such place as the preceding Convention may determine, unless referred to the General Executive Board by the Convention for selection.

Composition of Convention

Art. III. The General Convention shall be composed
Section 3. of legally elected General Officers, members of the General Executive Board and the Board of Trustees and the duly elected representative delegates from Local Unions, and none but these shall be entitled to vote. Local Unions may choose to elect alternate delegates not to exceed one alternate for every five delegates nor more than a total of three alternates. The election of delegates and alternates shall be held at an election in the said Local Unions in February prior to the Convention, unless under the provisions of the Local Union bylaws they are elected prior thereto but in no event more than one (1) year prior to the first day of the Convention, except that Local Unions may by their bylaws designate as delegates to the Convention not more than six of their officers, elected subsequent to the adoption of such bylaws.

The election of delegates shall be conducted by secret ballot. In order to be eligible to be a candidate for delegate, a member must, at the time of nomination, be in good standing with respect to payment of dues and meet the requirements contained in the second paragraph of Article XXIV, Subdivision 1, Section (b). In addition, Local Unions may also impose in their bylaws a requirement that candidates for delegate must file nominating petitions in support of their candidacies signed by not more than two-hundred (200) members or two percent (2%) of the entire membership, whichever is less. Adequate safeguards to insure a fair election shall be provided by the Local Union in accordance with the International Constitution, applicable law, and such rules and regulations as may be promulgated by the General Executive Board. The ballots and all other records pertaining to the election of delegates shall be preserved for one (1) year by the appropriate official or officials designated by the Local Union.

Where there are no more candidates nominated for delegates and alternates than are authorized by said local union signifying no opposition, the secret ballot election may be

dispensed with and, in such event, the Recording-Corresponding Secretary shall be directed to cast one ballot for all the unopposed candidates for delegates and alternates, who shall then be declared duly elected.

Officers of the General Convention

Art. III. The duly elected General Officers of the
Section 4. International Union of Operating Engineers shall be the officers of the General Convention.

Basis of Representation

Art. III. The basis of delegate representation shall be
Section 5. as follows:

Local Union Membership

<u>Minimum</u>	<u>Maximum</u>	<u># of Delegates</u>
UNDER 251		1
251	500	2
501	900	3
901	1,300	4
1,301	1,700	5
1,701	2,100	6
2,101	2,500	7
2,501	3,000	8
3,001	3,700	9
3,701	4,400	10
4,401	5,100	11
5,101	5,900	12
5,901	6,700	13
6,701	7,500	14
7,501	8,400	15

8,401	9,300	16
9,301	10,200	17
10,201	11,200	18
11,201	12,200	19
12,201	13,200	20
13,201	14,200	21
14,201	15,200	22
15,201	16,200	23
16,201	17,200	24
17,201	18,200	25
18,201	19,200	26
19,201	20,200	27
20,201	21,200	28
21,201	22,200	29
22,201	23,200	30
23,201	24,200	31
24,201	25,200	32
25,201	26,200	33
26,201	27,200	34
27,201	28,200	35
28,201	29,200	36
29,201	30,200	37
30,201	31,200	38
31,201	32,200	39
32,201	33,200	40
33,201	34,200	41
34,201	35,200	42

OVER 35,201

One additional delegate per 5,000 members

Each delegate seated and present at the Convention shall have one vote regardless of the number of members on which the Local Union has paid per capita tax. The number of delegates to which a Local Union may be entitled shall be based on the average number of members on which the Local Union has paid per capita tax through the month of September of the calendar year prior to the date of the Convention. No delegate shall be permitted to represent more than one Local Union.

Credentials of Delegates

Art. III. Delegates to the Convention must present
Section 6. credentials on blanks furnished by the General Secretary-Treasurer, properly attested under the seal of the Local Union of which they are members in good standing. To be entitled to have its delegate or delegates seated and have a vote in a General Convention, both the delegates and their alternates, as well as the Local Union represented by them, must not be in arrears in the payment of the per capita tax or any other indebtedness to the International Union due on or prior to the 31st day of December next preceding the Convention. The right of delegates to be seated in a General Convention shall be upon report and approval of the Credentials Committee. An appeal from a decision of the Credentials Committee may be made to the Convention, and delegates affected thereby shall not be seated until said appeal shall have been voted thereon by the Convention.

Expenses of Delegates

Art. III. The mileage and expenses for the attendance
Section 7. of delegates to the Convention shall be defrayed by the Local Union they represent. In cases of hardship, and upon good cause shown, the Local Union may appeal to the General Executive Board for financial assistance in securing representation of a delegate at a Convention.

Quorum

Art. III. A quorum for the transaction of business
Section 8. shall consist of a majority of the delegates seated at the Convention.

Appointment of Committees

Art. III. Upon the opening of the Convention the
Section 9. General President shall appoint his committees, except that the Committees on Law, Officers' Reports, Credentials and Resolutions shall be appointed by him prior to the Convention, and report at the call of the General President. The General Secretary-Treasurer shall furnish the General President a list of delegates whose Local Unions are in good standing as required by the Constitution. After the report of the Committee on Credentials has been acted upon, the General President shall appoint such other committees as may be necessary. The members of the committees so appointed shall receive remuneration for the services they render in an amount determined by the General President.

Attendance of General Officers

Art. III. The General Officers, Members of the
Section 10. General Executive Board and the Board of Trustees shall be required to attend all Conventions and their expenses shall be paid out of the funds of the International Union of Operating Engineers. By virtue of his office each shall be a delegate at large, having one vote, unless elected as a regular delegate by the Local Union in which he holds membership.

ARTICLE IV GENERAL OFFICERS

Titles and Terms of Office

Art. IV. The officers of the International Union of
Section 1. Operating Engineers shall consist of a Gen-

eral President, General Secretary-Treasurer, First General Vice President, Second General Vice President, Third General Vice President, Fourth General Vice President, Fifth General Vice President, Sixth General Vice President, Seventh General Vice President, Eighth General Vice President, Ninth General Vice President, Tenth General Vice President, Eleventh General Vice President, Twelfth General Vice President, Thirteenth General Vice President, Fourteenth General Vice President, and five Trustees. Each Officer shall hold office for a term of five years or until his successor shall be elected and qualified, and each shall be nominated, elected, installed and take office only in the manner and only at the time hereinafter specified.

Nominations

Art. IV. Candidates for the positions of General Officers shall be nominated at the Convention on the morning of the first day of the Convention and any member of the organization who meets the eligibility requirements for Business Manager in his Local Union shall be eligible for office. Beginning with the election conducted at the General Convention to be held in 2008, the nominations of candidates for the offices of General President and General Secretary-Treasurer must be supported by the written petition of at least six Local Union delegations, which shall be submitted to the Chair. Nominations must be made by delegates from Local Unions seated at the Convention.

Election of General Officers

Art. IV. The election of General Officers shall take place at the Convention as the first order of business on the afternoon of the first day of the Convention. Officers shall be elected by plurality vote, except that the five candidates receiving the highest number of votes for the office of Trustee shall be elected. Elections shall be by roll call vote where there is more than one candidate for any office except

that of Trustee, and where there are more than five candidates for the Office of Trustee. If there is only one candidate for any office other than that of Trustee and there are no more than five candidates for the Office of Trustee, there shall be no roll call vote and such candidate or candidates shall be declared elected. Each delegate shall be entitled to cast the number of votes prescribed by Article III, Section 5. However, one delegate, unless objection is voiced at the time the Local Union's number is called by a delegate from such Local Union, may cast the vote of the entire delegation of such Local Union.

On a roll call vote, the presiding officer shall appoint three (3) tellers to record, certify and report the results of the voting for each office. The election shall be by written ballot and conducted in such fashion that until the completion of the voting, no delegate shall be able to ascertain the number of votes cast for any candidate. However, the foregoing requirement shall not prevent delegates from the same Local Union designating one or more of their number to perform the physical function of casting the votes of the delegates from that Local Union.

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

Art. IV. The General Secretary-Treasurer shall preserve for one (1) year the credentials of the delegates and all minutes and other records of the Convention pertaining to the election of officers.

Art. IV. The newly elected General Officers shall be installed immediately upon the conclusion

of the election of officers at the Convention, and shall assume their official duties immediately upon installation.

Bonding

Art. IV. Every officer, employee or other representative of the International Union who handles funds or other property thereof shall be bonded for the faithful discharge of his duties in such amount and as otherwise required by applicable law. The expense of such bond shall be paid by the International Union.

Protest to Election of General Officers

Art. IV. Beginning with the election of officers conducted at the General Convention to be held in 2008, any protest relating to the nomination and election of General Officers shall be filed with the chair before the adjournment of the convention. The protest shall set forth in writing the specific reasons for such protest. The protest shall be referred to the General Executive Board for its review and determination, including a hearing if necessary. The General Executive Board shall issue a decision on the protest within ninety days, and such decision shall be final.

Compensation

Art. IV. The salaries of the General Vice Presidents and International Trustees shall be set at the General Convention, with their expenses and benefits to be set by the General President with the concurrence of the General Executive Board. For the Convention to be held in 2008, the salaries of these officers are set as the salaries they are receiving on the date the Convention commences. Between Conventions, these officers shall receive an annual percentage salary increase effective July 1 each year. The annual increase shall be equal to the percentage of increase in the National Consumer Price Index published by the Department of Labor for the twelve

month period ending in the month of May preceding the July increase effective date.

ARTICLE V POWERS AND DUTIES OF THE GENERAL EXECUTIVE BOARD

Art. V. The General Executive Board shall consist
Section 1. of the General President, General Secretary-Treasurer, First General Vice President, Second General Vice President, Third General Vice President, Fourth General Vice President, Fifth General Vice President, Sixth General Vice President, Seventh General Vice President, Eighth General Vice President, Ninth General Vice President, Tenth General Vice President, Eleventh General Vice President, Twelfth General Vice President, Thirteenth General Vice President, and Fourteenth General Vice President, and each member of the Board shall be provided with an official seal.

Powers

Art. V. All the powers of the General Convention
Section 2. when in session shall, when the same is not in session, pass to and vest in the General Executive Board, with the exception of such powers as may herein be specifically delegated to the various officers and subdivisions of the International Union. Specifically, but not in limitation of its power, it may initiate amendments to the Constitution and conduct referendums thereon, and it may formulate and establish pensions for such of the General Officers of the International Union of Operating Engineers and the employees of the said International Union as the General Executive Board shall deem worthy, and it may order that payments be made thereon for the terms allotted, in such manner as to vest irrevocably the benefits thereof; provided, however, that any and all pension applications so adopted shall be reasonable and nondiscriminatory.

Vacancy in Office

Art. V. In case of death, resignation or removal of
Section 3. the General President, the General Secretary-Treasurer shall call a meeting of the General Executive Board within fifteen (15) days, and said Board shall elect from among its members a General President, who shall take office immediately following his election by the Board. The General Executive Board shall and is hereby ordered to fill any vacancy occurring in the General Executive Board or the Board of Trustees. All charges against General Officers shall be heard and decided by the General Executive Board. Any member filling a vacancy in the General Executive Board or Board of Trustees pursuant to the foregoing sentence must meet the eligibility requirements for nomination contained in the first sentence of Article IV, Section 2.

Meetings

Art. V. The General Executive Board shall hold
Section 4. sessions at such places and at such times as it may decide. It shall meet at the call of the General President, or at the request of three members of the General Executive Board. In addition to the salary paid to a General Officer, the International Union shall compensate and pay the expenses of the members of the General Executive Board, as authorized by the General President, in connection with their participation in General Executive Board meetings and other authorized work performed by them.

Quorum

Art. V. A quorum for the transaction of any business
Section 5. by the General Executive Board shall consist of a majority of the members thereof.

Transacting Business

Art. V. The General Executive Board may transact
Section 6. any business before it without holding

a session and record the votes of the members by mail, telegram, telephone, facsimile copy, teleconferencing, or any other technology that allows for communication by the Board members.

Hearings

Art. V. The General Executive Board may hold hearings and conduct trials and decide appeals in connection with any matter, complaint, business or case coming before it and the decision of the General Executive Board thereon, and its findings of facts, shall be final, conclusive and binding. It shall have full power to determine the method of procedure and the times and place for the holding of hearings, trials and appeals, including the power to appoint a panel of one or more persons to conduct a full and fair hearing on any matter on behalf of the Board. Upon the conclusion of such hearing, the panel shall make a complete report to the General Executive Board, and the final decision shall be made by the Board. The General Executive Board shall also be empowered to interpret the provisions of this Constitution and decide questions of law arising thereunder.

Defense of Litigation

Art. V. The International Union is authorized, upon **Section 8.** affirmative vote of the General Executive Board, to pay all expenses for investigation services, employment of counsel and other necessary expenditures in any cause, matter, case or cases where an International officer, representative, employee, agent or one alleged to have acted on behalf of the International is charged with any violation of any law or is sued in any civil action with respect to any matter arising out of his duties, except if such officer, representative, employee or agent is charged with a breach of his trust to the International or any affiliate or member thereof, in which event he may be indemnified only if the action is terminated favorably to him.

ARTICLE VI
POWERS AND DUTIES OF THE
GENERAL PRESIDENT

As Presiding Officer of Convention

Art. VI. It shall be the duty of the General President
Section 1. to preside at all meetings of the General Convention. At least thirty (30) days prior to the holding of a General Convention he shall publish all decisions rendered by him during his term of office and shall mail copies of same to each Local Union in sufficient numbers to allow a copy for each delegate to the Convention.

To Review Cases and Interpret Laws, Etc.

Art. VI. He shall review all cases, complaints and
Section 2. charges filed with the General Executive Board or the General Secretary-Treasurer. He shall be empowered to render decisions on the merits of such cases, complaints and charges and his findings on the facts shall be final and conclusive. He shall also be empowered to interpret the provisions of the Constitution and decide questions of law arising thereunder. He shall be vested with all the administrative powers of the organization.

To Invoke and Administer International
Supervision and Other Preemptory Powers

Art. VI. The General President shall have the power
Section 3. to require Local Unions, Local Officers and any other subdivision of the International Union and members to comply with this Constitution and any lawful rulings or orders of the International Union. For the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of the International Union, including the

observance of the Ritual, Obligation, law, rules or decisions of the organization or its duly constituted authorities, he shall have full power to suspend or remove such Local officers, suspend or revoke charters of such Local Unions or place such Local Unions and their officers and members under International Supervision. He shall have power to designate and appoint persons to fill the places of those Local officers of Local Unions suspended, removed or placed under International Supervision, which appointees shall conduct the affairs over which they have been appointed for such time and in such manner as he may direct. All of the business, finances, affairs and government of any Local Union whose charter shall have been suspended by the General President or shall have been placed under International Supervision by him, shall be fully and completely conducted and administered by the General President or his deputy thereunto appointed with full power of control therein and thereover. During such suspension or International Supervision all rights and powers of the Local Union to conduct its own affairs shall be suspended. He or his deputy shall countersign all vouchers and checks for payment of monies or for withdrawing funds from the bank. He shall have power to appoint Local officers pro tem and all committees not otherwise provided for, to depute any member in good standing to perform any of the powers and duties of his office.

Whenever the General President exercises his power under this Section to suspend or remove Local officers, suspend or revoke charters of Local Unions, or place such Local Unions and their officers and members under International Supervision, a hearing shall be held before him or his authorized representative, to determine the necessity for taking such action, with the General President making the ultimate decision. Reasonable notice of such hearing shall be afforded the officers and members of the subordinate union involved. If the General President determines that an emergency exists requiring immediate action to be

taken prior to a hearing, he may take such action, but the hearing shall be held within a reasonable time thereafter. In all other cases the action will not be taken until a hearing has been held.

Failure of the General President to exercise the authority vested in him under this Section shall not in itself be considered as authorization for, or ratification or condonation of, any act or any failure to act on the part of any Local Union or other subdivision of the International Union, or their officers, employees, members or agents.

To Issue Charters, Require Mergers, and Appoint Representatives, and Negotiate and Enter Into Agreements

Art. VI. He shall be vested with full discretionary power to issue charters. Subject to the approval of the General Executive Board, he shall have the power, on such terms as he determines to be appropriate, to require the merger of Local Unions and to merge other labor organizations into the International Union. He shall have power to appoint Representatives of the International Union in such localities as shall appear to him to be for the best interest of the organization, as well as International Monitors of the administration of Local Unions. He shall have the authority to negotiate and enter into collective bargaining agreements binding on the Local Unions.

As Chairman of General Executive Board, Etc.

Art. VI. He shall preside as chairman of the General Executive Board and shall make a full report of the work in his office at each Board meeting. He shall devote his full time to the duties of his office. He shall have power to call upon any and all subdivisions, officers and members for assistance and advice when occasion demands or requires it. He shall be strictly accountable and responsible for the faithful performance of his duties and shall ad-

minister and enforce every law, rule, regulation and requirement of the Constitution, Ritual and Obligation. He shall be vested with unlimited discretion in the application and administration of his powers and duties. He shall be vested with such other powers and duties as the General Executive Board may from time to time specifically delegate to him.

Hearings for Members

Art. VI. Any and all members, Local officers and
Section 6. Local Unions affected or aggrieved by an act or decision of the General President, may demand a hearing thereon before the General Executive Board, with appeal to the General Convention in the manner hereinafter prescribed.

Compensation

Art. VI. The salary of the General President shall
Section 7. be set at the General Convention, with his expenses and benefits to be set by the General Executive Board. For the Convention to be held in 2008, the salary of the General President is set as the salary he is receiving on the date the Convention commences. Between Conventions, the General President shall receive an annual percentage salary increase effective July 1 each year. The annual increase shall be equal to the percentage of increase in the National Consumer Price Index published by the Department of Labor for the twelve month period ending in the month of May preceding the July increase effective date.

The General President shall, by virtue of his office, be one of the delegates representing this Organization at the Conventions of the AFL-CIO or sessions of any of its departments.

To Make Visitations

Art. VI. Should any Local Union be involved in
Section 8. trouble or submit grievances to the General President or the General Executive Board, the Gen-

eral President shall visit such Local Union in person or send a deputy.

Vested With All Powers of General Executive Board in Interim, Etc.

Art. VI. All powers heretofore vested in the General Executive Board when in session shall, when the same is not in session, pass to and vest in the General President. All of the acts and decisions of the General President shall be reviewable by the General Executive Board and shall continue in full force and effect until revoked by action of the General Executive Board.

ARTICLE VII POWERS AND DUTIES OF VICE PRESIDENTS

Art. VII. The General Vice Presidents of the International Union of Operating Engineers shall be members of the General Executive Board. They shall assist the General President in the discharge of his official duties in such manner as he may direct and shall have such other powers and duties as from time to time may be specifically delegated to them by the General Executive Board.

ARTICLE VIII POWERS AND DUTIES OF THE GENERAL SECRETARY-TREASURER

To Keep Record of Minutes

Art. VIII. The General Secretary-Treasurer shall keep a correct record of the minutes and proceedings of the General Convention and of the General Executive Board. On the first day of January preceding a General Convention he shall notify all Local Unions of the holding thereof, which notices shall set forth the provision of the Constitution relating to the basis of representation of delegates to the General Convention.

To Collect and Pay Monies

Art. VIII. He shall collect and receive all monies and
Section 2. funds due from all Local Unions, subdivisions, officers, members or other persons to the General Office and deposit the same in such bank or banks as may be designated by the General Executive Board. He shall have custody of the Official Seal. He shall issue all drafts and checks in payment of general expenses, salaries and other bills in the manner and form provided by the General Executive Board and shall take receipts therefor. He shall maintain a General Office Membership and perform the duties incident thereto.

Furnish Bond and Make Investments

Art. VIII. He shall give bond for the faithful performance of his duties. Such bond shall be in
Section 3. such amount and with such bonding companies as required by applicable law. He shall, when authorized by the General Executive Board, invest the funds of the International Union in the manner and form directed.

Membership Records and Monthly Reports

Art. VIII. He shall keep a correct record of the membership of each Local Union and subdivision and issue quarterly to each Local Union a report as to his receipts and disbursements. He shall make a monthly report to the General President and the General Executive Board and the Board of Trustees. He shall transmit to the Financial Secretaries of Local Unions per capita tax dues stamps or other appropriate record of payment, as provided for in this Constitution and shall keep a record thereof.

Compensation

Art. VIII. The salary of the General Secretary-Treasurer shall be set at the General Convention,
Section 5.

with his expenses and benefits to be set by the General Executive Board. For the Convention to be held in 2008, the salary of the General Secretary-Treasurer is set as the salary he is receiving on the date the Convention commences. Between Conventions, the General Secretary-Treasurer shall receive an annual percentage salary increase effective July 1 each year. The annual increase shall be equal to the percentage of increase in the National Consumer Price Index published by the Department of Labor for the twelve month period ending in the month of May preceding the July increase effective date.

Editor of the Journal

Art. VIII. He shall edit and distribute the official journal subject to recommendations of the General Executive Board and the General President and shall promptly publish therein a record of the amendments to the International Constitution adopted by a General Convention and allow reasonable space for the inclusion of articles submitted by Local Unions upon any measure submitted to vote of the membership. He shall distribute to each Convention delegate a copy of the record of the proceedings and measures adopted by a General Convention promptly thereafter.

Reports to General Convention

Art. VIII. He shall, each month, pay all per capita taxes due from this organization to the AFL-CIO or other bodies with which this organization may be affiliated. He shall make a full report of all matters relating to his office, his official acts and work, the amount of monies received and disbursed by him, the balance on hand and where deposited, to each General Convention.

Accounting for Stewardship

Art. VIII. He shall at the end of his term of office
Section 8. deliver to the Board of Trustees all books,

monies, property and other belongings of the International Union in his keeping. His books, records, transactions and affairs shall always be open for inspection by the General Officers.

Delegate to AFL-CIO, Etc.

Art. VIII. He shall, by virtue of his office, be one of the delegates to represent the International Union at the convention of the AFL-CIO or its departments. He shall devote his full time to the duties of his office and shall have such other and further duties as may from time to time be delegated or assigned to him by the General Executive Board.

ARTICLE IX BOARD OF TRUSTEES

Composition of Board

Art. IX. There shall be a Board of Trustees consisting of five members elected in the manner hereinbefore stated. One of the members of the Board shall be elected by the Board to serve as Chairman thereof during the term of his office as a Trustee.

Meetings of the Board

Art. IX. Meetings of the Board of Trustees shall be held from time to time as the members thereof may designate or upon call of the General Executive Board.

Quorum

Art. IX. A quorum for the transaction of business by the Board of Trustees shall consist of a majority of the members thereof.

Powers and Duties of the Board of Trustees

Art. IX. The Board of Trustees shall be the auditors
Section 4. of both the General Executive Board and the General Officers of the International Union of Operating Engineers. They shall audit the books of the General Secretary-Treasurer at least once every six months and report thereon to the General Executive Board. They shall render a report of their duties to the General Convention. They shall take an annual inventory of the property belonging to the International Union of Operating Engineers and shall see that the finances of the International Union are safeguarded by proper bonds. They shall audit and examine all bills, expenditures and expense accounts and all receipts of the General Office. They shall recommend to and advise the General Executive Board and the General Officers upon bookkeeping methods and accounting systems. They shall be the custodians of all bonds of General Officers. Upon the termination of office of any General Officer or upon a vacancy occurring among the General Officers, they shall receive and hold the funds, books, papers, documents and other property in the possession of the said officer or officers and turn the same over to the General Officer succeeding to said position upon being given proper receipt. They shall perform such other duties as from time to time may be delegated and assigned to them by the General Convention, the General Executive Board or the General President.

ARTICLE X MEMBERSHIP

Qualifications

Art. X. Any engineer engaged in the craft over which
Section 1. this organization exercises craft jurisdiction, or other person who may qualify to become a junior engineer, assistant engineer, or registered apprentice engineer therein, and any other engineer engaged as an inspector of boilers or other machinery or as an examiner of engineers, or any other

person, may upon application, acceptance and initiation in the manner and form required in this Constitution, become a member of the International Union of Operating Engineers. No person who is otherwise eligible under the qualifications fixed herein, but who is opposed to organized labor, shall be admitted to membership. No person shall be denied membership on the basis of race, creed, color, sex, religion, age or national origin. No applicant for membership shall apply to or be accepted by any Local Union other than the one within the jurisdiction in which he is employed unless such Local Union shall consent to his affiliation therewith.

Minimum and Maximum Initiation Fees and Dues

Art. X. The minimum initiation fee in all Local
Section 2. Unions shall be not less than Five Dollars (\$5.00) per applicant. The minimum monthly dues in all Local Unions that do not charge administrative, supplemental or working dues, shall not be less than \$15.75 per month per active member effective July 1, 2008, \$16.25 per month per active member effective July 1, 2009, \$16.75 per month per active member effective July 1, 2010, \$17.25 per month per active member effective July 1, 2011, and \$17.75 per month per active member effective July 1, 2012. Maximum initiation fees and maximum dues charged by Local Unions to their applicants or members may, from time to time, be fixed by the General President. No proposed increase in initiation fees may be voted upon by a Local Union unless and until the proposed increase is approved by the General President.

ARTICLE XI INCOME OF INTERNATIONAL UNION

Per Capita Tax

Art. XI. Each Local Union must pay the General
Section 1. Secretary-Treasurer a per capita tax of \$8.75 per month effective July 1, 2008, \$9.25 per month

effective July 1, 2009, \$9.75 per month effective July 1, 2010, \$10.25 per month effective July 1, 2011, and \$10.75 per month on and after July 1, 2012 for each member of the Local Union and its Subdivisions who has not been reported to the General Secretary-Treasurer as suspended, withdrawn, transferred or expelled, and in addition an amount equal to the per capita tax must be paid for each person making payments to the Local Union in lieu of dues under agency shop or similar provisions. The per capita tax report signed by the Financial Secretary must be transmitted to the General Secretary-Treasurer on or before the last day of the month following that for which the per capita tax is due. Locals shall file their per capita tax reports electronically in a form compatible with the International Union's system, starting no later than the report due for the month of January 2011. The International will provide assistance to Locals for the transition to electronic reporting.

A payment computed on the closing membership for the month (\$8.75 per month effective July 1, 2008, \$9.25 per month effective July 1, 2009, \$9.75 per month effective July 1, 2010, \$10.25 per month effective July 1, 2011, and \$10.75 per month on and after July 1, 2012) and the initiation fee tax (25% of the current initiation fee) on each member initiated for the month, must be submitted with the per capita tax report. Thereafter, the General Secretary-Treasurer shall transmit to the Financial Secretary a receipt for the initial amount remitted with a statement covering the remaining amounts due for the month for which the per capita tax was filed, for assessments and back per capita tax on suspended members reinstated, expelled members reinstated, members admitted on withdrawal cards, per capita tax for members deducted deceased and members deducted on withdrawal cards and differences of initiation fee tax. The per capita tax due shall immediately be remitted to the General Secretary-Treasurer by the Financial Secretary. The General Secretary-Treasurer shall return a receipt covering payment of balances due. Upon the com-

mencement of electronic filing of per capita tax reports, the General Executive Board shall modify the procedure herein to be compatible with electronic reporting, and shall include in any such procedure a provision for the charging of 5% simple interest upon any per capita tax that is more than one month overdue.

Distribution of Per Capita Tax

Art. XI. The General Executive Board shall maintain a General Fund, a Death Benefit Fund, a Defense Fund, a General Pension Fund, and such other Funds as it may determine. The per capita tax received for each member and other income of the International Union shall be allocated among these Funds as the General Executive Board shall determine.

Charter Fees and Assessments

Art. XI. Before the issuance of any charter to a Local Union, the Financial Secretaries in the cases of existing Local Unions and the applicants for charters in all other instances shall forward to the General Secretary-Treasurer the following:

- (a) Charter Fee – Twenty-five (\$25.00) Dollars.
- (b) Assessment for each signatory to application – One (\$1.00) Dollar.

The same charter fee shall be paid in the case of the issuance of a charter to any other subdivision of the International Union, except that in the case of subdivisions of Local Unions the charter fee paid by Local Unions shall be Ten (\$10.00) Dollars except for an '0' branch charter which shall be issued without fee.

Initiation Fee Taxes and International Initiation Fees

Art. XI. The Financial Secretaries of Local Unions shall forward to the General Secretary-Treasurer with the report required by this Article for the

month in which new members have been initiated into membership in the Local Union or any subdivision thereof the following for each newly initiated member:

Initiation Fee Tax – Twenty-five (25) percent upon the initiation fee established as of the date of reporting the new member. The initiation fee shall be deemed to include all fees, assessments and other charges required to be paid upon admission to membership howsoever identified, but shall not be deemed to include any assessment for the maintenance of a Local Union death benefit fund.

Reinstatement Assessments

Art. XI. The Financial Secretaries of Local Unions
Section 5. shall forward to the General Secretary-Treasurer with the report required for the month in which members are reinstated the following:

(a) Five (\$5.00) Dollars for each member reinstated to membership who has held a withdrawal card as provided in Article XV.

(b) Five (\$5.00) Dollars for each member reinstated to membership after suspension or expulsion, plus capita tax for each month required, and such other charges as may be provided for in Article XXIV.

Other Fees, Taxes and Assessments

Art. XI. Subject to applicable laws, other fees, taxes,
Section 6. assessments and other charges for obtaining income for the International Union for any purpose may be increased, decreased, changed or added from time to time by the General Convention or the General Executive Board.

ARTICLE XII TERRITORIAL JURISDICTION

Art. XII. The territorial jurisdiction of any Local
Section 1. Union heretofore or hereafter established shall be such as described on the face of the charter issued

to such Local Union, together with any limitations, extensions and restrictions regarding such territorial jurisdiction as may be added thereto. No charter to a Local Union shall hereafter be granted unless the same shall distinctly state upon its surface a description of the territorial jurisdiction conferred, qualified by a statement that such territorial jurisdiction so conferred may be amended, restricted, or enlarged by the International Union of Operating Engineers.

ARTICLE XIII CRAFT JURISDICTION

Division of Jurisdiction

Art. XIII. Jurisdiction of the International Union of
Section 1. Operating Engineers shall include but not be limited to persons engaged in the following crafts:

(a) Stationary Engineers' Craft Jurisdiction:

All persons engaged in supervising, controlling, operating or assisting in operating, maintaining or assisting in maintaining (including apprentices to the craft) all boilers, nuclear reactors (fission or fusion types), solar or geothermal equipment or other devices (irrespective of pressure or heat source and including hot water and/or other hot liquid or gas systems); pressure vessels, engines (both internal and external combustion types), turbines (hydro, steam and gas types), motors, pumps, air compressors, generators, alternators, refrigeration and/or air conditioning machines, units, plants and systems (including cryogenic equipment and systems), fans and ventilating systems, siphons, heating systems and all components thereof, bridges (including turntable, jack-knife and span-lift types), and any and all instrumentation and controls (including remote instrumentation and controls) used on or in the above equipment, devices or systems including all equipment, controls and instrumentation used in the handling, preparing and delivery of fuel (irrespective of type) from and/or to storage bins, yards, tanks or reservoirs up to and into the equip-

ment using, consuming or converting the fuel (irrespective of the motive power); (all instrumentation, controls and appurtenances utilizing energy from nuclear fission or fusion and its products, such as radioactive isotopes, including materials and processing); the supervision, operation and maintenance of all of the above when connected with and/or used in power and plant operation in all governmental, commercial and industrial activity including but not limited to railroads, utilities (public and private), hydroelectric plants, water filtration and purification plants, pump stations, reservoirs, control centers, garbage disposal plants and incinerators, waste water purification plants and systems (both active and passive types), fuel conversion plants or processes, breweries, distilleries, canneries, reduction plants, legitimate and motion picture theaters, ice and cold storage plants, coal yards, dairies, creameries, and other dairy products plants, office and municipal buildings, schools, hotels, apartment hotels, apartment houses and condominiums, hospitals, department stores, laundries, metal and other junk yards and junk segregating plants, oil drilling, refining and producing plants (including control of pressure and temperature of gases, liquids and otherwise), chemical and petro-chemical plants, and pipe line pumping and boosting stations; the operation of valves, gates, locks and all machinery on dams or spillways; and bakeries, paper and pulp mills, newsprint plants, shipbuilding and ship repair yards; and all other persons engaged in capacities other than supervising, operating or maintaining capacities in the aforementioned plants, systems, industries, services and/or institutions.

(b) Hoisting & Portable Engineers' Craft Jurisdiction:

All persons engaged in supervising, controlling, erecting, dismantling and repairing, operating or assisting in operating, erecting, dismantling, or the repairing of, all hoisting and portable machines, all refrigerating machines or units and engines used on open and heavy construction work; all hoisting and portable machines and engines used

in or upon wrecking, digging, boring, soil testing, building and erecting foundations, buildings, tunnels and subways, dams, reservoirs, disposal plants, bridges, railroads, streets (paving and repair), road building construction (including grading, repair and surveying), sewers, water, gas and oil lines, allotment development construction, harbor and river dredging, the construction and repair of all docks, wharves, piers, shipyards, and seawalls, all sand, gravel and stone pits; quarries and material yards (permanent and temporary, sand, rock and gravel screening machines; motor generators (when used for welding and cutting or for converting or transforming electric currents, irrespective of their motive power); all machines used to sweep, clean and remove debris and snow from streets and roads; all mine hoists, telfers, grab buckets, pumps, siphons, pulsometers, generators, concrete mixers (irrespective of capacity), concrete pumps of all sizes and capacities, stone crushers, air compressors, all water-test and blast-hole drilling machines; all sandblasting and other machines and boilers used in the cleaning and washing of buildings; all boilers (irrespective of size) used for furnishing temporary heat on buildings under construction, or for the heating of materials, or heating water, or furnishing steam for the operation of all machines, engines and other appurtenances herein specified; all locomotive, tractor and truck type cranes; all derricks, boom hoists (of all descriptions and capacities), and automatic hoists; house and all elevator (permanent and temporary) used for hoisting building material or lowering debris or carrying workmen from floor to floor in buildings under construction and repair; all street rollers, steam and other motive power shovels; all Le Tourneu and other types of scoops, pull shovels, mucking machines, draglines and cableways; all clam-shell and orange peel buckets when used in connection with any machine or with derrick or boom hoist for excavating, handling, storing, loading or unloading materials; all land and floating pile drivers, floating derrick barges and boats, floating and self-propelled

dredges and rock drilling plants; all dinkey and standard locomotives, derrick cars, tractors and all tractor-propelled machinery; all power and elevator graders, scarifiers, bulldozers, Barber Green loaders, all trenching and ditching machines, all mechanical hoe-type machines, back fillers and conveyors; all cranes, derricks, machines, engines and boilers used in asphalt and concrete mixing plants and all other engines and machines (irrespective of motive power) used on building and construction work, or in the loading, unloading or storage of commodities at or in terminals; all persons engaged in supervising, controlling, operating or assisting in operating, maintaining and assisting in maintaining all facilities, including all instrumentation and appurtenances utilizing energy from nuclear fission or fusion, and its products, such as radioactive isotopes, all electronically controlled construction equipment, all nuclear powered equipment including all drilling for nuclear operations and methods, all equipment used in oil drilling, all Laser beams, all emulsion distributing machines, and all remote control machinery used in operating equipment; all persons engaged in or assisting in surveying; all operation and servicing of helicopters used in construction.

Art. XIII. The General Executive Board may from
Section 2. time to time as it deems proper for the protection of the jurisdiction of the International Union of Operating Engineers exercise and maintain jurisdiction over persons engaged in work other than described in this Article, including but not limited to public employees, and such jurisdiction over such persons shall have the same Constitutional force and effect as though fully defined and set forth in this Article.

Conflict of Jurisdiction

Art. XIII. In cases where there shall be conflict be-
Section 3. tween the craft jurisdiction of the Stationary Engineers' Branch and the craft jurisdiction of the Hoist-

ing and Portable Engineers' Branch of this organization and one of said branches has already assumed certain craft jurisdiction of the other branch and has organized the same and entered into contractual relations with third parties involving such craft jurisdiction, such status may remain as now in effect.

ARTICLE XIV CHARTERS

Classification of Charters

Art. XIV. Charters of the International Union of Operating Engineers may be granted to Local Unions, District Councils, Local Joint Executive Boards, Local, State and Provincial Organizations, to Local Unions for Junior and Assistant Engineers' Subdivisions, Registered Apprentice Engineers' Subdivisions, and Branch Engineers' Subdivisions, and to such other subdivisions as may from time to time be authorized and established.

Application for Charters

Art. XIV. An application for a charter of a Local Union shall be upon the form prescribed by the International Union of Operating Engineers and shall be signed by not less than fifteen (15) applicants, none of whom shall be members of the International Union, which requirements may be changed by the International Union. The requirements for all other applications for charters shall be established by the General Executive Board.

Qualification of Applicants

Art. XIV. Upon receipt of an application for a charter, the General President shall proceed to satisfy himself that the applicants are qualified, and if found to be so he shall direct the General Secretary-Treasurer to issue the charter. In the formation of new Local Unions the members thereof shall be charged such charter fees,

entrance fees and organization fees as the International Union shall establish.

Junior and Assistant Subdivisions, Registered Apprentice Subdivisions and Branch Subdivisions

Art. XIV. Local Unions as such may make application
Section 4. for sub-charters covering junior and assistant engineers, registered apprentice engineers and branch engineers in such manner and form as prescribed by the International Union and the said sub-charters shall confer no greater craft jurisdiction than that held by the parent Local Union making such application.

Government of Junior and Assistant Engineers' Subdivisions, Registered Apprentice Subdivisions and Branch Engineers' Subdivisions

Art. XIV. Any Junior and Assistant Engineers' Sub-
Section 5. division, Registered Apprentice Engineers' Subdivision or Branch Engineers' Subdivision heretofore or hereafter created by the sub-charters referred to in this Article, shall function under the direction and control of the parent Local Union to which the same belongs. They shall be accountable to and function under their parent Local Union and they shall respond to, be under the control of and be governed by the said parent Local Union; provided, however, that the members of the said Junior and Assistant Engineers' Subdivision, Registered Apprentice Engineers' Subdivision and the Branch Engineers' Subdivision, if in good standing as required by the International Union and credited with their per capita tax paid to and remitted by the parent Local Union, may vote upon such referendums as shall be submitted to the parent Local Union for them by the International Union. They shall be entitled to such participation in the Death Benefit Fund as may be provided for them by the International Union. Except as otherwise provided in this Constitution, they may

not hold office in their parent Local Union. There shall be no officers in the subdivisions.

Branch engineers and junior and assistant engineers shall have equal rights to nominate, vote for and be delegates to General Conventions and to State, Interstate and Provincial Organizations. They shall have equal rights to nominate candidates and to vote in elections and referendums of the parent Local Union, to attend its membership meetings, and to participate in the deliberations and business of such meetings. Members of Registered Apprentice Engineers' Subdivisions shall have equal rights to vote for delegates to General Conventions and to State, Interstate and Provincial Organizations, to vote in elections and referendums of the parent Local Union, and to attend its membership meetings.

A Local Union may provide in its bylaws that any person applying for membership in a Junior and Assistant Engineers' Subdivision or a Branch Engineers' Subdivision shall, as a condition of acceptance and continuation of membership in such subdivisions, agree to pay in three yearly installments any differential in the initiation fee charged for membership in such Subdivision and that charged for membership in the parent Local Union. Upon the expiration of the three year period and upon payment in full of the differential in the initiation fee, if any, such member shall be transferred into the parent Local Union and shall, if otherwise qualified, be eligible for nomination and election to office in the parent Local Union.

Any member initiated into a Junior and Assistant Engineers' Subdivision or a Branch Engineers' Subdivision whose membership therein continues for two consecutive years immediately prior to election shall be eligible, whether or not he has transferred into the parent Local Union, for nomination and election to office in the parent Local Union if he is otherwise qualified under the provisions of the International Constitution.

Definition of Junior and Assistant Engineers

Art. XIV. Junior and assistant engineers are defined as **Section 6 (a)**. including all persons who work at the craft over which this organization exercises craft jurisdiction and who begin as oilers, firemen, or helpers under such tutelage and guidance as a parent Local Union may direct.

Definition of Registered Apprentice Engineers

Art. XIV. Registered apprentice engineers are defined **Section 6 (b)**. as including all persons who aspire through training, effort and application to become masters of the craft over which this organization exercises craft jurisdiction and who are indentured as registered apprentice engineers under such tutelage and guidance as a parent Local Union may arrange. Registered apprentice engineers shall be admitted to the Registered Apprentice Engineers' Subdivision under the following conditions: (a) successful completion of a probationary period as an indentured apprentice, not to exceed six months; (b) tender of the regular, uniform initiation fee established for the Registered Apprentice Engineers' Subdivision. Registered apprentice engineers shall be entitled to transfer to the parent Local Union or to the appropriate branch of their Local Union upon application and fulfillment of the following requirements: (a) successful completion of a uniform period of apprenticeship within a Local Union as a member of a Registered Apprentice Engineers' Subdivision; (b) successful demonstration of capacity to meet reasonable and uniform qualifications as journeymen engineers as prescribed by the parent Local Union; and (c) tender of any differential in the initiation fee and dues fixed for membership in the parent Local Union or the appropriate branch, as the case may be. Cancellation of an apprentice's agreement, for a just cause, after written and specific notice and a full and fair hearing by the apprenticeship committee, shall automatically cancel his membership in the International Union of

Operating Engineers and in the Local Union.

The apprenticeship committee shall notify the Financial Secretary of the Local Union of all such cancellations.

Other provisions of this Constitution notwithstanding, there shall be no appeal to the International Union by a registered apprentice engineer, for cancellation of his membership through action of the apprenticeship committee.

Definition of Branch Engineers

Art. XIV. Branch Engineers are defined as those persons who, qualified by craft to become members of the International Union of Operating Engineers, may desire to be constituted a Subdivision thereof through the application of a parent Local Union and who are employed in any class of employment existent within the territorial jurisdiction of a parent Local Union which class of employment shall not have become organized nor be engaged in employing members of said parent Local Union.

Property of Local Unions

Art. XIV. Membership books and/or cards, the charter, seal and all books and other paraphernalia shall be the property of the International Union and shall be delivered to the General President of the International Union upon demand by the General Executive Board, or by order of the General Convention.

Art. XIV. If at any time a Local Union or other subdivision shall withdraw, lapse, dissolve, be suspended, placed under supervision or expelled from the International Union, or shall have its charter revoked, all of its real and personal property, paraphernalia, books, charter, seal, records, card indexes and funds shall immediately revert to the International Union and the General President shall at once, in person or by deputy, take possession of

such property, paraphernalia, books, charter, seal, records, card indexes and funds of said Local Union or other subdivision, all of which he or his deputy shall receipt for, and he or his deputy shall forward the same to the General Office or hold as directed.

Art. XIV. The officers and members of said Local **Section 8 (c).** Union or other subdivision, individually and collectively, shall be held strictly responsible for all such property, paraphernalia, books, charter, seal, records, card indexes and funds until they are turned over to the General President or his authorized representative and receipted for.

Art. XIV. They shall be individually and collectively **Section 8 (d).** accountable therefor to the International Union, and suit may be instituted through the General President to recover the real and personal property, paraphernalia, books, charter, seal, records, card indexes and funds, or for money damages if any of them have been concealed or destroyed.

Art. XIV. All supplies necessary for the proper func-
Section 8 (e). tioning of Local Unions shall be uniform, and all Local Unions must secure such supplies from the General Secretary-Treasurer, application to be made therefor on the official order blank, accompanied by the necessary monies to cover the cost of the same, and no Local Union, under penalty of expulsion, shall furnish any other Local Union with any of such supplies, nor use any such supplies unless furnished by the International Union.

Form of Charter

Art. XIV. No charter to a Local Union shall hereafter
Section 9. be granted unless the same shall distinctly state upon its face a description of the territorial and craft jurisdiction conferred, qualified by a statement that

such territorial and craft jurisdiction so conferred may be amended, restricted or enlarged by the International Union. Charters issued in accordance with this Article shall be in such form as the General Executive Board shall prescribe, consistent with the Constitution and laws of the International Union of Operating Engineers.

ARTICLE XV TRANSFER AND CLEARANCE CARDS, SERVICE DUES, WITHDRAWAL CARDS AND GENERAL OFFICE MEMBERSHIP

Transfer Cards

Art. XV. When a Local Union has been dissolved, **Section 1.** suspended, or when its charter has been revoked or surrendered or otherwise becomes inoperative, any member in good standing of such Local Union may, through the General Secretary-Treasurer, upon application to and by consent of a majority of the General Executive Board, be given a transfer card which will entitle him to make application for admission to the nearest Local Union in his vicinity.

Clearance Cards

Art. XV. Any member desiring a clearance card for **Section 2 (a).** the purpose of transferring his membership to another Local Union shall apply to the Financial Secretary of his Local Union, and if such member is in good standing in his Local Union, and no charges are pending against him, the Financial Secretary shall grant a clearance card upon the payment by the member of any unpaid dues, or other obligations, plus One (\$1.00) Dollar for the clearance card.

Art. XV. If an applicant for a clearance card has been **Section 2 (b).** a member of the International Union for less than six months, then upon the granting of a clearance

card he shall pay to said Local Union the sum of Fifteen (\$15.00) Dollars as a fee therefor.

Art. XV. Thereafter a member obtaining a clearance
Section 2 (c). card must present the same to the Local Union into which he desires to transfer, for acceptance by it, and the matter shall be referred to a committee of such Local Union as provided for in Article XXIV, Subdivision 6, which will accept or reject said clearance card, such acceptance or rejection to be entirely within the discretion of the Local Union.

Art. XV. No member desiring to transfer into another
Section 2 (d). Local Union shall negotiate for, accept or commence work until his clearance card has been accepted or a service dues receipt shall have been issued to him as hereinafter provided. Enforcement of this provision shall be wholly a matter of internal discipline. A violation of this provision shall not be used as a basis for any action adversely affecting employment rights, except in accordance with the terms of a valid union security agreement. If and when his clearance card is accepted, he shall be governed by the wage scale, rules and bylaws of said Local Union and if the Local Union into which such member enters has a higher initiation fee and the bylaws of such Local Union require it, he may be required to pay the amount of the difference to the receiving Local Union, in which event, the initiation fee tax on such difference shall be charged and collected by the General Secretary-Treasurer. In the event the said bylaws waive the payment of this difference, then there shall be no initiation fee tax charged or collected by the General Secretary-Treasurer.

Art. XV. Local Unions shall purchase clearance
Section 2 (e). cards from the General Secretary-Treasurer and said cards shall be drawn up by the General Secretary-Treasurer in duplicate and designated "Coupon No. 1" and "Coupon No. 2." Upon entering the Local Union into which he may transfer, the member shall sign both

coupons, Coupon No. 1 being retained by the Financial Secretary of the Local Union into which he transfers and Coupon No. 2 being transmitted by the Financial Secretary of the Local Union into which he has transferred to the Financial Secretary of the Local Union which issued the card no later than the last day of the month in which the member was accepted. Thereafter the Financial Secretary of the Local Union into which the member has transferred, shall, on the next monthly report, set forth the name and membership number of the member so admitted.

Travel Service Dues

Art. XV. Members of one Local Union shall not seek **Section 3 (a).** employment, be employed, or remain at work at the craft within the territorial jurisdiction of another Local Union without the consent of such other Local Union, which consent may be evidenced by its acceptance of the clearance card presented to it by the member involved, as provided in the Constitution, or by the issuance of the service dues receipt hereinafter described. If the member involved does not present a clearance card to such other Local Union, or the Local Union to which the clearance card is presented fails to act thereon, or the Local Union to which the clearance card is presented acts thereon and refuses to affiliate such member, and the Business Representative of such other Local Union, in such cases, shall thereupon consent to the issuance of the service dues receipt (described herein), then the member involved shall be entitled to receive and required to secure successively, during the period within which said consent be granted and his work continue, such number of weekly service dues receipts if he is a hoisting and portable engineer, or monthly service dues receipts if he is a stationary engineer, as shall be issued to him by the said Business Representative under the regulations established by the General Executive Board. Such service dues receipts shall, for the period issued, allow the holder thereof to seek, accept, and hold employment within the territorial jurisdiction of such other Local

Union out of which said service dues receipts shall be issued, but subject always to such regulations as shall be imposed thereon by the General Executive Board.

Provided, however, that there will be a limited key employee exception to the above requirement that members obtain clearance. Under this exception, Local Unions must clear in a limited number of key employees if the following requirements are met: 1) the employer signs or is signatory to the Local Union's master agreement for the area in which the job in question is located; 2) the employer has a pre-job to identify the key employees and address any other issues before each job on which key employees are used; 3) the employer agrees, upon presentation of appropriate authorization, to collect from key employees the local working dues and/or administrative dues and remit such to the Local Union in whose jurisdiction the work is being performed; and 4) the employer agrees that the wage rate paid key employees will be at least the rate paid under the agreement of the Local Union in whose jurisdiction the work is performed, and the fringe benefit rate paid will be the higher of the rates of the key employee's home Local or the Local where the work is being performed.

If the above requirements are met, the employer shall be allowed to bring in key employees as the third, sixth, ninth and twelfth person hired; where the job requires fewer than twelve employees, key employees will be allowed according to this formula until the job's staffing requirements are met. Under no circumstances will a key employee be allowed to serve as a master mechanic or foreman unless such is agreed to at the pre-job. In order to be a "key employee" the individual in question must be an operating engineer employee who: 1) regularly and customarily works for the employer whenever it has work or has been employed by the employer within the past six months; and 2) because of his or her knowledge, training, special skills and/or experience is critical to the success of a particular job.

The principle of "money follows the employee" shall

govern pension, annuity, and health and welfare contributions for all traveling employees, and a copy of the trust fund remittance reports will be provided to the Local Union in whose jurisdiction the work is being performed. Contributions to all other funds will be remitted to the relevant funds of the Local Union in whose jurisdiction the work is being performed.

Failure to abide by the terms of the pre-job shall serve to revoke the clearance of the key employees. Nothing in the above three paragraphs shall limit a Local Union's ability, in exercising its discretion to clear in members of other Local Unions, to mutually agree with an employer to a different key employee arrangement.

Travel service dues collected pursuant to this Section shall have as their primary purpose the defraying of the additional administrative and collective bargaining cost incurred by a Local Union in providing services for traveling members from sister Local Unions who are working within its jurisdiction, and the International Union's cost of recording members' movements in the labor market. Payment of travel service dues is an obligation arising as an incident of membership in the International Union. Failure of a traveling member to comply with this requirement shall subject him to an appropriate penalty as provided by the International Constitution for the violation of an obligation under the Constitution. Failure of a traveling member to pay travel service dues shall not be used as a basis for any action adversely affecting employment rights, except in accordance with the terms of a valid union security agreement. Enforcement of the collection of travel service dues shall be wholly a matter of internal Union discipline.

Prior Payments of Current Dues Required

Art. XV. The consent referred to in this Article shall not **Section 3 (b).** be granted by the said other Local Union or its Business Representative, nor shall travel service dues be collected from or service dues receipts be issued to, any said

member who shall not, at the time when requesting a service dues receipt, have had his current monthly dues paid into the Local Union to which he belongs. Upon the issuance to him of the said service dues receipt the same shall always be available for inspection and certification as to its authenticity.

Applicants' Service Dues

Art. XV. In each Local Union where applicants for **Section 3 (c)**. membership engage at the craft upon work within the jurisdiction of said Local Union, the Local Union shall charge to and collect from each such applicant, applicants' service dues. Such dues shall be charged only so long as the applicant has not tendered full initiation fees and has not complied with the same requirements for admission generally applicable to other members. In no case, however, may applicants' service dues be charged for more than twelve (12) months after an individual has become an applicant for membership. Each Local Union retains the right to determine whether it will establish the procedure of accepting the payment of applicants' service dues as a temporary alternative to the payment of full initiation fees and regular periodic dues.

Failure by an applicant for membership to pay service dues shall not be used by the Union as a basis for an action adversely affecting the employment rights of the applicant, except in accordance with the terms of a valid union security agreement. Under no circumstances shall payment of service dues be made a condition precedent to an applicant's obtaining employment in the first instance.

Local Unions with Registered Apprentice Engineers' Subdivisions retain the right to determine if the provisions of this Section shall apply to Registered Apprentice Engineers during the probationary period prior to their initiation into the Registered Apprentice Engineers' Subdivision.

Amount of Applicant Service Dues

Art. XV.
Section 3 (d). Each Local Union shall charge to and col-

lect from all those persons within its territorial jurisdiction to whom this Article applies, applicant service dues in a minimum amount of two dollars (\$2.00) per week, and, in addition, any amount paid by members of the Local Union as administrative, supplemental or working dues, or the monthly equivalent of said sum. The maximum amount of service dues to be charged and collected shall be five dollars (\$5.00) per week or the monthly equivalent of said sum and, in addition, any amount paid by members of the Local Union as administrative, supplemental or working dues. In lieu of said amount, a Local Union may elect to charge and collect applicant service dues in an amount not to exceed the weekly equivalent of the amount of regular dues paid by members of the Local Union. Upon payment of the proper dues, there shall be issued an applicant service dues receipt for each applicant for membership.

Amount of Travel Service Dues

Art. XV. Each Local Union shall charge to and collect **Section 3 (e).** from all persons within its territorial jurisdiction to whom this Article applies, travel service dues in the amount of five dollars (\$5.00) per week, and, in addition, any amount paid by members of the Local Union as administrative, supplemental or working dues, or the monthly equivalent of said sum. In lieu of said amount, a Local Union may elect to charge and collect travel service dues in an amount not to exceed the weekly equivalent of the amount of dues, including regular dues and administrative, supplemental or working dues, paid by members of the Local Union. Upon payment of the proper dues, there shall be issued a travel service dues receipt for each traveling member.

Form of Service Dues Receipt & Distribution of Copies

Art. XV. The form of the service dues receipt issued **Section 3 (f).** to traveling members and to applicants shall be substantially as follows:

THE INTERNATIONAL UNION OF OPERATING ENGINEERS

(Seal)

Date _____ 20_____

Received from _____

Reg. No. Member of Local No. _____

City of _____ State _____

SERVICE DUES for

Week ending _____ through _____

Months of _____

Service dues paid in Local No. _____

City of _____ State _____

Dues paid for month of _____

Initiation Fee being paid _____

If more than one week is paid for, then additional service dues receipts to cover must be attached hereto and serial numbers noted hereon.

No. _____

The total number of weeks paid for shall be checked below and the serial numbers of all service dues receipts attached shall be entered hereon.

Weeks		Number
One	<input type="checkbox"/>	Serial No. _____
Two	<input type="checkbox"/>	Serial No. _____
Three	<input type="checkbox"/>	Serial No. _____
Four	<input type="checkbox"/>	Serial No. _____
Five	<input type="checkbox"/>	Serial No. _____
Six	<input type="checkbox"/>	Serial No. _____
Seven	<input type="checkbox"/>	Serial No. _____
Eight	<input type="checkbox"/>	Serial No. _____
Nine	<input type="checkbox"/>	Serial No. _____
Ten	<input type="checkbox"/>	Serial No. _____

Amount Paid _____

Representative _____

In case of applicants for membership the information required above with reference to register number and Local Union data shall be omitted.

Each service dues receipt shall be printed in duplicate labeled "Original" and "Duplicate." The original shall be issued to the member, the duplicate shall remain bound in the Service Dues Book.

Printing and Distribution of Service Dues Book

Art. XV. The General Secretary-Treasurer shall cause **Section 3 (g).** the service dues receipts described herein, for those Local Unions that do not utilize electronic data processing for processing service dues payments, to be printed and made available to Local Unions.

Art. XV. The General Executive Board is authorized **Section 3 (h).** and empowered to establish, amend, alter and administer the terms, conditions, and rates under which the service dues receipts herein provided shall be issued and enforced. No service dues receipt as described in this Article shall be issued to or used by any person who is not, at the time, either a member of the International Union of Operating Engineers or an applicant for membership therein, and the attempted issuance of such a service dues receipt above referred to by any officer or employee of the organization to any other person than those described herein shall be unauthorized, null and void. Registration fees, if charged by a Local Union, must bear a reasonable relationship to the service provided to the registrant by the Local Union and shall not be in excess of the fixed monthly dues.

Data Processing Service Dues

Art. XV. Local Unions that employ electronic data **Section 3 (i).** processing equipment may systematize the processing of service dues, including computer-generated service dues receipts.

Withdrawal Cards

Art. XV. Any member of the International Union who **Section 4 (a).** ceases to perform the work of an engineer may request and, at the option of his Local Union, be given a withdrawal card; but no withdrawal card shall be issued to any member of the International Union who is employed as an engineer. This section, however, shall not apply to any members of the International Union who are serving or acting in any capacity for a Local Union or the International Union, whose duties prevent them from working at the trade, or engineers who hold positions as inspectors of boilers or other machinery, or examiners of engineers.

Art. XV. A fee of not to exceed Five (\$5.00) Dollars **Section 4 (b).** may be charged for each withdrawal card.

Art. XV. Local Unions shall purchase withdrawal **Section 4 (c).** cards from the General Secretary-Treasurer. When a holder of such card desires to reinstate himself in full good standing membership, he shall present this card and it shall be acted upon in the same manner as hereinbefore provided in the case of clearance cards.

Art. XV. Any member entering a Local Union on a **Section 4 (d).** withdrawal card shall pay the difference in initiation fee as hereinbefore provided in the case of clearance cards. If he shall enter said Local Union within a period of time less than thirteen (13) months dated from the month in which the withdrawal card was issued, he shall be required to pay all dues and assessments accruing in such period of time in the Local Union which issued the same, and said dues and assessments shall be paid to the Local Union admitting the member and shall be forwarded to the Local Union which issued the withdrawal card. At the same time he shall pay an assessment of Ten (\$10.00) Dollars or such amount as shall be fixed by the General Executive Board, Fifty (50) per cent of which assessment

shall be forwarded by the Local Union to the General Secretary-Treasurer. Members who enter said Local Union during the thirteenth (13th) month following the month in which the withdrawal card was issued shall be considered as having been on withdrawal for exactly one (1) year.

If the member shall enter said Local Union after more than thirteen (13) months since the issuance of the withdrawal card, he shall pay an assessment of Ten (\$10.00) Dollars or such amount as shall be fixed by the General Executive Board, and a similar amount for each successive year or part thereof. Fifty (50) percent of which assessment shall be forwarded by the Local Union to the General Secretary-Treasurer. Provided, however, the total payment so required shall not exceed the amount of the regular current initiation fee in the Local Union to which the application is made.

All members of the International Union who have been granted withdrawal cards by their Local Unions and were then in good standing in the Death Benefit Fund may continue their good standing therein by paying on or before June 1 of each year, in advance and directly to the General Secretary-Treasurer, the sum of Nine (\$9.00) Dollars per annum; but they shall not be in good standing in any other respect. Provided, however, members initiated on or after July 1, 1973, shall not participate in the Death Benefit Fund.

Art. XV. However, members holding withdrawal **Section 4 (e).** cards and desiring to continue in good standing in the Death Benefit Fund must make application to the General Secretary-Treasurer within thirty (30) days from the date the withdrawal card was issued and he must be paid up to and including the month of his death, or his death must have occurred within thirty (30) days after his dues and obligations shall have become due and payable, in order that his beneficiary may be entitled to the death benefits. In the event any member granted a withdrawal card violates any of the Articles of this Constitution, any Local Union or the General Executive Board shall cancel said withdrawal

card, and he and his beneficiaries automatically lose his and their rights under the Death Benefit Fund.

General Office Membership

Art. XV. When a Local Union has lapsed, been dissolved, suspended or had its charter revoked, or has otherwise become inoperative, any member thereof who was in good standing at the time of such dissolution, suspension or revocation shall become a member of the General Office Membership, provided that within thirty (30) days from the date of such dissolution, suspension or revocation he pays to the General Secretary-Treasurer any unpaid dues or other obligation due to said Local Union from him, or due to the International Union from said Local Union in his behalf, including per capita tax, together with a fee of Five (\$5.00) Dollars, or such other fee as may be fixed by the General Executive Board, and at the same time makes application to the General Secretary-Treasurer for a transfer card to another Local Union as provided for in Section 1 of this Article; and he shall remain in the General Office Membership only until his transfer card is accepted by another Local Union, and while a member of the General Office Membership he shall pay dues to the General Office, monthly in advance, in the amount of Five (\$5.00) Dollars per month or such other amount as may be fixed by the General Executive Board. The General Secretary-Treasurer may suspend or expel any such member for non-payment of dues to the General Office or for any violation of the Constitution.

Junior and Assistant Engineers' Subdivision Clearance Cards

Art. XV. Any member of a Junior and Assistant Engineers' Subdivision desiring a Junior and Assistant Engineers' Subdivision clearance card for the purpose of transferring his membership to another Junior and Assis-

tant Engineers' Subdivision of another Local Union, shall do so in the same manner as prescribed in Section 2 of this Article, provided the Local Union in which he is a member of the Junior and Assistant Engineers' Subdivision shall, by a majority vote, consent to the issuance of said clearance card.

ARTICLE XVI

DISCIPLINE AND EXPULSION IN GENERAL

Penalty for Issuing Defamatory Literature

Art. XVI. In addition to the provisions of this Constitution setting forth the causes and the manner and form in which Local Unions, officers and members thereof may be disciplined and penalties may be invoked, any Local Union, subdivision or member thereof publishing or circulating literature of a defamatory nature in violation of their responsibility toward the International Union or any of its subordinate bodies as an institution, or engaging in conduct that would interfere with the performance by the International Union or any of its subordinate bodies of their legal or contractual obligations, may be tried by the General Executive Board upon charges filed with it, and upon conviction, may be disciplined or expelled as the General Executive Board may determine.

Penalty for False Applications

Art. XVI. Any person making a misrepresentation or **Section 2.** misstatement in his application for membership, or who shall belong to more than one Local Union of this organization, shall, on trial therefor and conviction thereof, be expelled from the International Union of Operating Engineers.

General Executive Board May Prosecute

Art. XVI. Any violation of the Constitution, Laws, Ob-
Section 3. ligation and Ritual, or the rules, regulations and edicts issued by any officer or subdivision hereunto authorized by any member, subdivision or officer, may, if

not prosecuted by the subdivision thereunto authorized, or if no provision has been made therefor, be prosecuted, heard and penalized by the General Executive Board.

Penalty for Radicalism, Etc.

Art. XVI. Any member who is found guilty after trial
Section 4. of advocating or otherwise supporting the overthrow of the established order, either of the Government or of this organization, by force or violence or subversive tactics, shall forthwith be expelled from membership or otherwise disciplined as the circumstances may require, which action may be taken and penalty imposed by either the Local Union of which the guilty party is a member or by the General President.

Charges by General Officers

Art. XVI. Any General Officer may file charges in any
Section 5. Local Union against any member thereof.

Good Standing Required of Officers

Art. XVI. No person shall become or remain President,
Section 6. Vice President, Secretary, Treasurer, Business Manager, Business Agent or other officer or representative of any Local Union unless he is a member thereof in good standing. In the event such person shall cease to be a member in good standing or holds a withdrawal card, he shall be disqualified from further serving in such official capacity and the exercise by him of all rights, powers, privileges, authority and duties connected with his office shall automatically be revoked and cease.

Violations of Welfare Plans Administration

Art. XVI. Where a salaried union official serves as
Section 7. employee representative or trustee in the administration of a health, welfare, retirement, training or

death benefit program, or any other fund of a similar nature, such service should be regarded as one of the functions expected to be performed by a union official in the normal course of his duties and not as an extra function requiring further compensation, over and above his salary, from the funds of such programs. Therefore, officials who already receive full time pay from their union shall not receive fees or salaries from the funds of such programs. However, the provisions of this Section shall not bar the receipt of per diem and other reasonable expense allowances for such positions. Union officials, employees, or any other persons acting as agent, representative or officer of the union who exercise responsibility or influence in the administration of health, welfare, retirement, training or death benefit programs or any other fund of a similar nature, or the placement of insurance contracts must be entirely free of any compromising personal ties, direct or indirect, with outside agencies such as insurance carriers, brokers, consultants and others doing business with the welfare and death benefit plans. Such ties cannot be reconciled with their duty to be guided solely by the best interests of the membership in any transactions with such agencies. Any union official found to be involved in such ties to his own personal advantage, or to have accepted inducements, benefits or favors of any kind from such outside agencies, or who induces or directs associates or subordinates to accept financial participation and remuneration from health, welfare, retirement, training or death benefit programs or any other fund of a similar nature shall be deprived of privilege to hold office in Local Unions and the International Union.

ARTICLE XVII APPEALS

Appeals to General Executive Board

Art. XVII. Any General Officer who shall have filed **Section 1 (a).** in a Local Union charges against a member thereof, and any officer or member of a Local Union, may

appeal to the General Executive Board from the adoption of an action by said Local Union, or from a decision rendered by the General President, where such action or decision is not committed to the exclusive discretion of the Local Union or a particular officer. Any Local Union or member thereof which belongs to a Local, State or Provincial Organization, Joint Executive Board or District Council may appeal to the General Executive Board from an act or decision of said Local, State or Provincial Organization, Joint Executive Board or District Council. Notice of such appeal must be in writing and received by the General Secretary-Treasurer within thirty (30) days from the date of the adoption of said action or the rendition of said decision by the General President.

Requests to modify, continue, amend, withdraw or invoke International Supervision, together with official actions or inaction thereon shall constitute appealable matters and be processed in the manner and form regulating appeals under the Constitution. Any such request, when signed by not less than twenty-five (25) percent of the members in good standing of a Local Union, shall cause a referendum on the subject to be submitted to the membership by the General President, who shall be guided by the results thereof in his decision on the question involved therein.

Art. XVII. The party making such appeal must file with **Section 1 (b).** the notice of appeal a written statement covering the decision of the General President complained of, together with sufficient facts to permit the General Executive Board's consideration of the same, or a complete statement of the evidence, exhibits and decision in the case of an appeal from the act of a Local Union or subdivision herein referred to, and at the same time file a copy of said evidence, exhibits and decision with the said Local Union or subdivision affected. The General Secretary-Treasurer shall thereupon notify the party against whom the appeal is taken, which party shall be allowed thirty (30) days

from such notice within which to file an answer or defense. When both parties have properly filed the matters hereinbefore required, or upon the expiration of the period allowed for such filing, the General Executive Board shall proceed to hear the appeal, either upon the record or upon retrial, or both, and render its decision thereon.

Art. XVII. All interpretations and decisions by the **Section 1 (c).** General Executive Board involving the organic law of the International Union of Operating Engineers shall be subject to review only by the General Convention, and all findings of facts by the General Executive Board shall be final, conclusive and binding.

Appeals to General Convention

Art. XVII. Any subdivision within the International **Section 2.** Union of Operating Engineers, and any officer or member thereof, and any General Officer may appeal from the decision of the General Executive Board to the General Convention. Notice of such appeal, together with a complete statement of the record, findings and exhibits in the case must be filed within thirty (30) days from the rendition of a decision by the General Executive Board by delivery of said documents and notice of appeal to the General Secretary-Treasurer.

Pendency of Appeals

Art. XVII. Except as otherwise provided in this Con- **Section 3.** stitution, pending the termination of any appeal, the action or decision appealed from shall remain in full force and effect.

All Court Actions Superseded

Art. XVII. To the extent not limited by law, no suit **Section 4.** or other action at law or equity shall be brought in any court and no proceeding shall be initi-

ated before any administrative agency by any member, officer or subdivision of the International Union of Operating Engineers until and unless all rights, remedies and reasonable provisions for hearing, trial and appeal within the Organization shall have been properly followed and exhausted by the member, officer or subdivision complaining. This provision shall only require resort to internal remedies for a period not exceeding four (4) months.

ARTICLE XVIII METHODS OF AMENDING AND REVISING CONSTITUTION AND INVOKING INITIATIVE AND RECALL

Amending Constitution at General Convention

Art. XVIII. The Constitution may be amended or revised at a General Convention provided the proposal to amend or revise be made in writing and be filed with the General Secretary-Treasurer not less than seventy-five (75) days prior to the date of the calling of said Convention. Such proposal to amend or revise the Constitution shall emanate from a Local Union in good standing or a General Officer of the Organization and must bear the seal of the Local Union or General Officer proposing the same. The General Secretary-Treasurer shall submit all such proposals properly filed with him to the General Executive Board and to all Local Unions in good standing not less than thirty (30) days prior to the date of the General Convention.

Initiative and Recall

Art. XVIII. Whenever forty (40) percent of all Local Unions in good standing and representing at least forty (40) percent of the entire membership of the International Union in good standing, by a majority vote of the entire membership of each, shall file with the General

Secretary-Treasurer a petition requesting the recall from Office of any General Officer, the General Secretary-Treasurer shall thereupon submit the same to the membership and a vote shall be taken thereon. Upon receipt of such petition the General Secretary-Treasurer shall set the time within which the Local Unions shall vote. No recall petition shall prevail unless there shall be cast thereon the votes of not less than fifty-five (55) percent of the entire membership of the International Union in good standing and a majority vote of the entire membership in good standing cast in favor thereof.

Method of Voting

Art. XVIII. The voting upon any proposition arising
Section 3. under this Article shall be conducted by the General Secretary-Treasurer upon tally sheets and ballots transmitted by the General Secretary-Treasurer to the Local Unions. Ballots shall be transmitted by the Local Unions to all members in good standing. The referendum shall be conducted by mailed secret ballot. Adequate safeguards to insure a fair vote shall be provided by the Local Union in accordance with the International Constitution, applicable law and such rules and regulations as may be promulgated by the General Executive Board. The General Executive Board shall appoint three (3) tellers and retain a Certified Public Accountant to certify and announce the results of the voting on the basis of the tally sheets transmitted to them by the Local Unions. After the vote shall have been taken by the Local Unions in the manner herein prescribed, the report of said vote upon the tally sheets shall be transmitted by the Local Unions to the tellers and a Certified Public Accountant appointed by the General Executive Board, and the tellers and Certified Public Accountant shall report the result of said vote to the General Secretary-Treasurer, who shall cause it to be published in the next issue of the Journal.

ARTICLE XIX

DEFENSE FUND, LOCKOUTS AND STRIKES

Defense Fund

Art. XIX. There shall be a Defense Fund which shall be drawn upon for the purpose of defending the International Union and its members in efforts to prevent lockouts and strikes, by assisting in sustaining the members in cases of lockouts and authorized strikes, in protecting and defending the International Union and its members in any legal proceedings brought against it or its members, to employ counsel, and for any other purpose which the General President, subject to the approval of the General Executive Board, shall deem necessary for the further protection of the International Union and its members.

Lockouts and Strikes

Art. XIX. Where a Local Union is engaged in a strike, or reports a lockout, including lockouts caused by strike action of an affiliated union, and in either event the Local desires strike benefits from the International Union, it shall make application to the General President's office. Upon the General President's approval of the request for strike benefits for good cause shown, he shall instruct the General Secretary-Treasurer to remit to the Financial Secretary of the Local Union involved, strike benefits in the amount of not less than \$150 per week per member affected, for the purpose of assisting in sustaining such Local Union during the pendency of the lockout or strike. Payment of strike benefits shall not indicate ratification by the International Union of the Local's strike or strike conduct or the conduct of any individual participating in the strike. The continuance of such payments shall be until further order of the General President, subject to a review by him in the event the strike or lockout exceeds thirty (30) days.

Strike Benefits

Art. XIX. No financial assistance shall be given to
Section 3. any Local Union or Unions until a period of one (1) week has elapsed from the time a lockout or strike began; but thereafter it shall continue for such period of time as in the judgment of the General President may be necessary. Those members entitled to strike benefits shall be reported to the General President by the Financial Secretary of the Local Union or Unions involved in such lockouts or strikes on forms provided for such purpose by the General Secretary-Treasurer. No strike benefits shall be paid to any member who is not actually a striker or a victim of a lockout, and such benefit shall cease when the member involved secures employment.

ARTICLE XX DEATH BENEFITS

Art. XX. All death benefits or claims shall be paid
Section 1. from the Death Benefit Fund in conformity with the provisions of this Article only, and no other funds or property of the International Union shall be liable for the payment thereof, nor shall the International Union be liable beyond the amount at any time available in the Death Benefit Fund.

Art. XX. Effective August 1, 1968, the amount of
Section 2. death benefits payable to the beneficiary or beneficiaries of a member who has been granted a withdrawal card prior to that date shall be computed on the basis of the number of years such member has been in good standing as of August 1, 1968, and shall not thereafter be increased during the period such member remains on withdrawal card. The amount of the death benefits payable to the beneficiary or beneficiaries of a member who is granted a withdrawal card on or after August 1, 1968, shall be computed on the basis of the number of

years such member has been in good standing as of the date on which the withdrawal card is granted, and shall not be increased thereafter during the period such member remains on withdrawal card.

Death benefits are payable only upon the death of a member in good standing who was initiated prior to July 1, 1973.

All death benefits which have been accumulated by members in good standing on or before July 1, 1973 are frozen as of that date and no further benefits accrue.

Death benefits shall be paid to beneficiaries as follows and not otherwise:

Class I. Beneficiaries of members who on July 1, 1973 have been in good standing for a period of one (1) year to five (5) years shall receive One Hundred (\$100.00) Dollars and this amount shall not thereafter increase.

Class II. Beneficiaries of members who on July 1, 1973 have been in good standing for a period of five (5) years to ten (10) years shall receive Two Hundred (\$200.00) Dollars and this amount shall not thereafter increase.

Class III. Beneficiaries of members who on July 1, 1973 have been in good standing for a period of ten (10) years to fifteen (15) years shall receive Four Hundred (\$400.00) Dollars and this amount shall not thereafter increase.

Class IV. Beneficiaries of members who on July 1, 1973 have been in good standing for a period of fifteen (15) years to twenty (20) years shall receive Five Hundred (\$500.00) Dollars and this amount shall not thereafter increase.

Class V. Beneficiaries of members who on July 1, 1973 have been in good standing for a period of twenty (20) years or more shall receive Seven Hundred Fifty (\$750.00) Dollars and this amount shall not thereafter increase.

Art. XX. For the purpose of establishing and maintaining a right to benefits under this Article, **Section 3.** a member in good standing is a member who is not suspended by the operation of any section of this Article or of any other Article of this Constitution, and who also has paid his dues and all other obligations to the date of his death, or whose death has occurred within thirty (30) days after said dues and obligations shall have become due and payable.

Art. XX. The beneficiaries of members who transfer **Section 4.** from one Local Union to another, and who remain in continuous good standing, shall receive benefits the same as though the member had continuously remained a member of the same Local Union.

Art. XX. Any member who was suspended or expelled from a Local Union or by the General Executive Board, for any reason whatsoever, and later became reinstated, must have been a member in good standing for one year after his reinstatement before his beneficiaries are entitled to death benefits, and then his beneficiaries shall be entitled to the amount only in his class according to the length of time that he was a member in good standing after such reinstatement. Provided, however, members reinstated on or after July 1, 1973, shall not participate in the Death Benefit Fund.

Art. XX. The beneficiaries of any member who becomes suspended or expelled by his Local Union or the General Executive Board, for any cause whatsoever, lose their right to death benefits unless said member has complied with Section 5 of this Article. **Section 6.**

Art. XX. The Financial Secretary of each Local Union **Section 7.** shall keep the General Secretary-Treasurer advised in his monthly report to the General Office of all

additions to their membership, and all deductions, and such additional members shall be entitled to benefits as mentioned in this Article.

Art. XX. The members of any Local Union two (2) months in arrears with its per capita tax to the International Union shall be suspended from all benefits accrued in the Death Benefit Fund under this Article, until such times as the Local Union pays its arrearages of per capita tax, and has complied with all other obligations provided in the Constitution, and has been reinstated; and from the date of reinstatement the members of such Local Union shall be entitled to again begin to accrue benefits, and in case of death of any such member occurring not less than one (1) year after such reinstatement, his beneficiaries shall be entitled to the payment of benefits designated according to the class that the deceased member had established at the time of his death and from the date of such reinstatement of his Local Union.

A member of a Local Union which has withdrawn, lapsed, dissolved, been suspended or expelled, or whose charter has been revoked, if such member is in good standing in his Local Union on the date of such withdrawal, lapse, dissolution, suspension, expulsion or revocation of charter, shall not forfeit or waive any of his accrued benefits earned in such Local Union, but such accrued benefits shall be continuous with that earned after transfer to another Local Union; provided, such member shall within thirty (30) days cause to be invoked and have made use of the privilege accorded such member to transfer to another Local Union in accordance with Article XV of this Constitution.

Who Shall Be Beneficiaries

Art. XX. A member may change his designation of beneficiary as often as desired by written request filed with the Recording-Corresponding Secretary of his Local Union, or in the case of a member holding a

withdrawal card and who has qualified under the provisions of Article XV, Section 4(e) of this Constitution, with the General Secretary-Treasurer. Such designation, and/or change, will take effect as of the date of the execution of such request, whether or not the member be living at the time of such filing, but without prejudice to the International Union on account of any payment made by it before receipt of such request.

Except as may otherwise be specifically provided by the member:

- (1) if more than one beneficiary is designated, the designated beneficiaries will share equally;
- (2) if any designated beneficiary predeceases the member, the share which such beneficiary would have received if living will be payable equally to the remaining designated beneficiaries, if any, who survive the member; and
- (3) if no designated beneficiary survives the member, payment will be made to the member's widow or widower if surviving the member; if not surviving the member, in equal shares to the member's children who survive the member; if none survives the member, to the member's parents, equally or to the survivor; if neither survives the member, in equal shares to the member's brothers and sisters who survive the member; or if none survives the member to the member's executors or administrators. When a member designates his or her spouse as beneficiary and thereafter the marriage to that designee is terminated by divorce, it shall be presumed, in the absence of evidence to the contrary, that the designation of the spouse as beneficiary is revoked.

Art. XX. All claims shall be made for said death benefit within a period of sixty (60) days from the date of death. The beneficiary shall present, within the sixty-day (60) period, to the Secretary of the Local Union a death certificate signed by the proper authority authorized

to issue death certificates, if there be one, together with an affidavit of the claimant showing the relationship of the deceased to the beneficiary, and stating who is entitled to said payment, and identifying the person named in accompanying death certificate as the same person named in said death certificate.

The Financial Secretary of said Local Union shall thereupon promptly forward said documents to the General Secretary-Treasurer. The General Secretary-Treasurer shall then check said claim with the list of members in good standing as otherwise herein provided, and shall remit within a reasonable time, upon reasonable proof of death, to the beneficiary, through the Local Union of which he was a member, the amount of the benefit due said beneficiary.

Art. XX. Immediately upon the death of a member,
Section 11. the Financial Secretary of the Local Union shall notify the General Secretary-Treasurer by mail, and on the established form of certificate of death furnished by him, giving the name, address, register number, the date of the last payment of dues to the Local Union and the month paid for by the deceased, his age, date of death and date of initiation, and any other information required, including the name or names, addresses and relationship of his beneficiaries, all to be properly certified to by the President and Financial Secretary of the Local Union with its seal affixed.

Art. XX. No suit shall be brought against a Local
Section 12. Union or member and no Local Union or member thereof shall be liable for the death benefit herein provided for. The General Secretary-Treasurer shall have the authority to investigate the legality of any claim, and the President and Financial Secretary of any Local Union out of which a disputed claim originates shall, upon demand by the General Secretary-Treasurer, furnish a sworn statement concerning said claim. Any Financial Secretary of any Local Union altering the dues book and/or card of any member or

deliberately reporting him suspended when he should not have been, or fraudulently recording any payment of dues for a deceased member after his death, shall be expelled and forever barred from membership in the International Union, and the Local Union shall be fined the amount due the beneficiary of such deceased member, subject only to the right of appeal to the General Executive Board and from their decision to the Convention of the International Union.

Art. XX. The General Secretary-Treasurer shall cause
Section 13. to be published in each issue of the journal the names and Local Union of those who have died, the cause of death of the member, and the amount paid and to whom paid. After this plan is adopted, it is understood that members who allow themselves to become suspended or expelled from the International Union lose all rights whatsoever that they may enjoy under this plan.

Art. XX. The provisions of this Article shall prevail
Section 14. over any other Article of this Constitution which may conflict with this Article. In the event it becomes expedient for the General Executive Board to amend the rules governing the operation of this Article, they shall do so, as may to them seem necessary, and the changes shall be binding upon the members. All of the provisions of this Article are to be construed together.

ARTICLE XXI JOINT EXECUTIVE BOARDS

Formation

Art. XXI. A Joint Executive Board may be formed
Section 1. in any city or town where two or more Local Unions exist. Such Boards shall be composed of three delegates from each Local Union, elected by the Local Unions at the regular election of officers, and shall hold office for not less than one nor more than four years or

until their successors, as determined by the Local Union, shall be elected and qualified.

Officers

Art. XXI. The officers of Joint Executive Boards shall
Section 2. consist of a Chairman, Vice Chairman and Secretary-Treasurer, each of whom shall be elected by said Board, and shall hold office for one year, or until their successors are elected and qualified.

Quorum

Art. XXI. A quorum for the transaction of business before a Joint Executive Board shall consist of
Section 3. a majority of the members thereof.

Powers

Art. XXI. A Local Joint Executive Board shall have
Section 4. power to adjudicate grievances arising between Local Unions within the jurisdiction; to summon and examine any member of any such Local Unions; to adopt bylaws and trade rules with the consent of the General President, and not in conflict with this Constitution and approved by a majority vote of all Local Unions affiliated with the said Board.

Minutes

Art. XXI. Copies of all minutes and proceedings of any
Section 5. meeting of the Joint Executive Board shall immediately thereafter be sent to the General President by the Secretary-Treasurer of the Joint Executive Board.

ARTICLE XXII DISTRICT COUNCILS

The General President, subject to the approval of the General Executive Board, shall have the authority to issue

rules governing the affairs, conduct, activities, property and finances of District Councils and governing the suspension, expulsion and termination of such Councils. Such rules shall define the power of the General President, or his designee, with respect to disciplinary action against such Councils or their officers and shall provide for appeals to the General Executive Board and to the Convention from disciplinary action taken. However, such rules shall provide that actions and decisions appealed from shall remain in full force and effect pending any appeal.

ARTICLE XXIII STATE, INTERSTATE AND PROVINCIAL ORGANIZATIONS

Formation

Art. XXIII. State, Interstate and Provincial Organizations may, with the consent of the General President, be formed in any State or Province having three or more Local Unions, or in combinations of States or Provinces, provided that the organizer thereof has notified all Local Unions in said State or Province at least thirty (30) days prior to the filing of a petition therefore with the General Secretary-Treasurer.

Officers

Art. XXIII. The officers of a State, Interstate, or Provincial Organization shall consist of a President, Vice President, Secretary-Treasurer, and three (3) Trustees. Their term of office shall begin at the convention of the State, Interstate or Provincial Organization to which they shall have been elected and continue for one (1) year, or until their successors are elected and qualified, but in no event shall be for more than four (4) years. Not more than two (2) of the officers described herein shall hold membership in any one (1) Local Union affiliated with a State, Interstate or Provincial Organization.

Executive Boards

Art. XXIII. State, Interstate and Provincial Organizations may provide for the creation of State, Interstate or Provincial Executive Boards consisting of the President, Vice President, Secretary-Treasurer, and the three (3) Trustees. All the powers of State, Interstate or Provincial Organizations when in session shall, when the same is not in session, pass to and vest in the State, Interstate or Provincial Executive Board.

Voting

Art. XXIII. Local Unions belonging to State, Interstate or Provincial Organizations shall be entitled to one (1) delegate for three hundred (300) members or less, together with one (1) delegate or one (1) vote for each succeeding three hundred (300) members or majority fraction thereof. No delegate shall be permitted to represent more than one (1) Local Union. In no case shall a Local Union be entitled to more than six (6) votes.

Powers

Art. XXIII. State, Interstate and Provincial Organizations shall have power to adopt, with the consent of the General President and not in contravention of this Constitution, such laws as will assist them in organizing, protecting and strengthening the Local Unions belonging thereto, and their officers shall be held responsible for compliance with all requirements of the Constitution, Obligation and Ritual of the International Union.

Meetings

Art. XXIII. State, Interstate and Provincial Organizations shall meet in general convention annually upon a date set by the preceding convention or by the State, Interstate or Provincial Executive Board or, in the

event a date has not been so fixed, by a vote by the majority of the Local Unions affiliated with said State, Interstate or Provincial Organization.

Minutes

Art. XXIII. Copies of the minutes of each General Convention and of each meeting of the State, Interstate or Provincial Executive Board shall be transmitted to the General President by the Secretary-Treasurer of the State, Interstate or Provincial Organization immediately following the holding of any meeting thereof. The word "Provincial" as used in this article shall include "Inter-Provincial" Organizations.

Bonding

Art. XXIII. Every officer, employee or other representative of a State, Interstate or Provincial Organization who handles funds or other property thereof shall be bonded for the faithful discharge of his duties in such amount and as otherwise required by applicable law. The expenses of such bond shall be paid by the State, Interstate or Provincial Organization.

ARTICLE XXIV GOVERNMENT OF LOCAL UNIONS

The laws, rules and procedures by which Local Unions shall conduct their affairs shall be as follows:

ART. XXIV – SUBDIVISION 1 OFFICERS

Titles

Art. XXIV. The officers of a Local Union shall be the **Subdiv. 1.** President, Vice President, Recording-Corresponding Secretary, Financial Secretary, and Treasurer. There shall also be three (3) Trustees, who

shall not be automatically designated members of the Local Union's Executive Board by virtue of their position, but may be included on the Executive Board if the Local Union so provides in its bylaws.

A Local Union may provide in its bylaws for a Business Manager, in which case he shall be elected and be an officer. Where a Local Union has a business representative, an agent, an assistant, or more than any one of these, then such Local Union must elect a Business Manager. He shall appoint all committees of the Local Union unless otherwise provided for in the Local Union's bylaws.

The Business Manager shall be the chief executive officer of a Local Union. He shall appoint any and all representatives, agents, and assistants, whose wages and allowances shall be determined as provided in the Local Union's bylaws. They shall work directly under his supervision. He may terminate them at any time. Should the Business Manager discharge any such employee, then said employee shall not be reemployed or paid by the Local Union in any capacity during the term of office of such Business Manager, unless his prior approval has been given.

Because of the special burdens and heavy responsibilities imposed on the Business Manager of a Local Union, no member shall be eligible for election to, be elected to, nor hold the office of Business Manager, unless he shall have been continuously in good standing in the Local Union electing him for a period of two (2) years preceding the month of nominations, in addition to fulfilling the qualifications for other Local office.

Officers of a Local Union may not seek, be elected to or hold more than two (2) offices in the Local Union and any two (2) offices may be combined and be held by one person, except that the offices of Financial Secretary and Treasurer shall not be combined or be held by the same person. In addition to the constitutional officers enumerated above, a Local Union shall elect three (3) auditors, a conductor, and a guard, and may also elect or appoint

such committees and delegates, other than delegates to the General Convention and to State, Interstate or Provincial Organizations, as it deems advisable, consistent with applicable law.

Terms of Office and Conditions of Eligibility

Art. XXIV. The terms of all Local Union officers shall
Subdiv. 1. be three (3) years, except that when and if
Section (b). permitted by applicable law, the terms of Local Union office may be four (4) years. No member shall be eligible for election, be elected, nor hold office unless he shall have been a member continuously in good standing in the Local Union electing him for one (1) year preceding the month of nominations; and provided that no member shall be eligible for election, be elected, nor hold office unless he shall also have been a member of the organization for two (2) years immediately prior to election. The Recording-Corresponding Secretary of the Local Union must notify each candidate of his nomination to Local Union office, and the candidate must return an acceptance of nomination to the Recording-Corresponding Secretary, which acceptance must be received by the Recording-Corresponding Secretary within 10 days of the date the candidate was notified of the nomination and, in addition, shall have been in regular attendance at all regularly scheduled Local Union membership meetings and home district membership meetings held after nomination and before elections, subject, however, to a reasonable excuse based upon good cause such as physical incapacity or death in family. Local Unions may also impose in their bylaws a requirement that candidates for office must file nominating petitions in support of their candidacies signed by not more than two-hundred (200) members or two percent (2%) of the entire membership, whichever is less. Within five (5) days after the nominations have been concluded the Recording-Corresponding Secretary shall mail to each member nominated, at his last known home address, notice of his nomination and of the

office to which he has been nominated, and shall read or cause to be read the name of each nominee and identify the office to which such nominee seeks election at each regularly scheduled Local Union membership and district membership meeting held after receipt of the nominee's written acceptance of nomination. Any Local Union which has not been in existence for a period of one (1) year may elect officers for the period between the date of its organization and the next annual meeting, from among its members in good standing.

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

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

Notwithstanding any other provision of this Constitution, no member retired from work at the trade shall be eligible for election, be elected nor hold office in any Local Union. This restriction, however, shall not be applicable to any member so retired who, at least one (1) year, and, in the case of one seeking the office of Business Manager at least two (2) years, immediately prior to the month of nominations, has ceased to accept retirement benefits and

returned, or actively and continuously sought to return, to full time work at the trade. This restriction does not prohibit or preclude the Local Union from naming any officer as “Emeritus” or from using the peculiar talents of a given retired individual for the best interests and advancement of the Local Union. No member owner/operator of an entity that employs operating engineers shall be eligible for election, be elected nor hold office in any Local Union, nor nominate candidates in any Local Union election. In those Local Unions operating under the District Administration Form of Government which provide for some Executive Board members to be elected from particular districts, the Local Union in its bylaws may impose a requirement that, in order to be eligible to run for office from a particular district, candidates must have resided within that particular district for a period up to one year preceding the month of nominations.

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

Executive Board

Art. XXIV. The Executive Board of a Local Union shall
Subdiv. 1. be composed of the President, Vice Presi-
Section (c). dent, Recording-Corresponding Secretary,
Financial Secretary and Treasurer, and the Business Man-

ager where the Local Union has such a position, together with such other members of the Local Union as may be elected thereto by the membership of the Local Union.

Powers of the Executive Board

Art. XXIV. The Executive Board shall be the policy-making and administrative tribunal of the
Subdiv. 1. Local Union. It shall have such power as may from time to time be delegated to it by action of the Local Union, or conferred by the Constitution. All acts of the Executive Board shall be reviewable by the Local Union but shall be maintained in full force and effect, subject to revocation by action of the membership of the Local Union if taken at the next subsequent membership meeting following the adoption of the act in question. Local Unions are authorized, upon affirmative vote of the Executive Board, to pay all expenses for investigation services, employment of counsel, and other necessary expenditures in any cause, matter, case or cases where a Local Union officer, representative, employee, agent or one alleged to have acted on behalf of the Local Union is charged with any violation of any law or is sued in any civil action with respect to any matter arising out of his official duties, except if such officer, representative, employee or agent is charged with a breach of his trust to the Local Union or any member thereof, in which event he may be indemnified only if the action is terminated favorably to him.

Election of Officers

Art. XXIV. Except in Local Unions operating under District Administration Form of Government,
Subdiv. 1. the election of officers of a Local Union shall be held in the month of August, and the nominations shall be made at a regular meeting prior to the election, but in no event earlier than the May meeting preceding

the election. The installation of newly elected officers shall take place at the first regular meeting in September, unless an earlier installation is directed by the General President. The Local Union may adopt the Australian ballot system, in which event the polls shall be kept open for a period of twelve (12) consecutive hours between the hours of 6 a.m. and 10 p.m. on the date of the election, or may hold the election through referendum conducted by mail. The election shall be conducted by secret ballot. Officers shall be elected by a plurality of votes cast, except that the three (3) candidates receiving the highest number of votes for the office of Trustee and the position of Auditor shall be elected. Adequate safeguards to insure a fair election shall be provided by the Local Union, in accordance with the International Constitution, applicable law, and such rules and regulations as may be promulgated by the General Executive Board.

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

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

Recording-Corresponding Secretary to cast one ballot for the nominee who shall then be declared duly elected to such office.

Vacancies in Office and Removal of Officers

Art. XXIV. A vacancy in any office shall be filled by
Subdiv. 1. appointment for the unexpired term thereof,
Section (f). upon vote of a majority of the following officers, viz: President, Vice President, Recording-Corresponding Secretary, Financial Secretary, Treasurer, and the Business Manager where the Local Union has such a position. In the event the said officers shall fail to fill said vacancy within thirty (30) days after the same shall occur, then said position shall be filled by secret ballot vote of the majority of the membership in good standing present at the next regular meeting of the Local Union following the expiration of the said thirty (30) days. In order to fill a vacancy under this section, a member must, at the time of election, be in good standing with respect to payment of dues and meet the requirements contained in the second and fourth paragraphs of Article XXIV, Subdivision 1, Section (b). The office of any officer who shall fail to discharge the duties of his office for four (4) successive meetings may be declared vacant by a majority vote of the membership in good standing. Any officer or representative of a Local Union may be removed after due trial, for causes provided in this Article, upon an affirmative vote of three-fourths of the membership in good standing in the same manner and form provided in the trial of members in this Article.

Protests and Appeals

Art. XXIV. Any protest relating to the nominations and
Subdiv. 1. elections of officers, and any protest relating to the nominations and elections of delegates, must be made to the Local Union by registered mail

within thirty (30) days after the election, setting forth in writing the specific reasons for such protest. Any member making a timely protest may appeal the decision of the Local Union thereon to the General Executive Board and the General Convention in accordance with Article XVII of this Constitution. Notwithstanding the above, any protest relating to the nominations and elections of delegates conducted in January or February prior to a General Convention must be filed with the office of the General Secretary-Treasurer within fifteen (15) days after the election, setting forth in writing the specific reasons for such protest. All such protests timely filed shall be referred by the General Secretary-Treasurer to the Credentials Committee of the General Convention for consideration. An appeal from a decision of the Credentials Committee may be made to the Convention, and delegates affected thereby shall not be seated until said appeal shall have been voted thereon by the Convention.

ART. XXIV – SUBDIVISION 2 POWERS AND DUTIES OF OFFICERS

President

Art. XXIV. It shall be the duty of the President to pre-
Subdiv. 2. side at all meetings, enforce the Constitu-
Section (a). tion, Laws, Rules, Ritual and customs of the organization; to decide all questions of order subject to an appeal to the Local Union; to cast the deciding vote in case of a tie; to sign all orders on the Treasurer for the disposition of funds authorized by the Local Union; to be custodian of the quarterly password and examine the credentials of any member before bestowing the same; to furnish the General President full and complete information on any subject within his control or knowledge when requested; and to perform such other duties as appertain to his office or which may from time to time be delegated to him by action of the Local Union or other authorities in the organization.

Vice President

Art. XXIV. The Vice President shall assist the President
Subdiv. 2. in the discharge of his office, fill his place
Section (b). in his absence and have such other duties as
are customarily incident to his office.

Recording-Corresponding Secretary

Art. XXIV. It shall be the duty of the Recording-Corre-
Subdiv. 2. sponding Secretary to keep the minutes of
Section (c). each meeting; to read all correspondence
and documents; to issue notices for the calling of meet-
ings; to sign all orders on the Treasurer for the disposition
of funds authorized by the Local Union; to notify the Gen-
eral Secretary-Treasurer of all newly elected officers; to
keep a record of all applications for membership; to have
charge of the seal and affix the same to all official docu-
ments; to maintain a correct list of the membership and
their addresses; to include a copy of the Financial Secre-
tary's monthly report to the General Secretary-Treasurer
in the minutes; to furnish the General President full and
complete information on any subject within his control or
knowledge when requested, and such other duties as are
customarily incident to his office or which may from time
to time be delegated to him by the Local Union or oth-
ers in authority. The Recording-Corresponding Secretary
shall within fifteen (15) days after election of delegates
and alternates to a General Convention report to the Gen-
eral Secretary-Treasurer the names and addresses thereof,
and upon failure to do so he shall be subjected to a fine
of Five (\$5.00) Dollars. Upon failure of the Recording-
Corresponding Secretary to include in the minutes a copy
of the Financial Secretary's monthly report to the General
Secretary-Treasurer he shall be subjected to a fine of Five
(\$5.00) Dollars in each instance. In the absence of both the
President and Vice President from a meeting the Record-

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

Financial Secretary

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

Treasurer

Art. XXIV. It shall be the duty of the Treasurer to receive and hold all Funds collected by the Financial Secretary and delivered to him; to give receipt for monies delivered to him; to make no disbursements without approval of the Local Union and only upon written order of the President and Recording-Corresponding Secretary; to make an itemized statement and report to the Local Union at the end of each quarter on the condition of his accounts and the transactions of his

office; to submit his books and accounts for inspection by the Trustees when called upon by them; to furnish the General President full and complete information on any subject within his control or knowledge when requested and to perform such other duties as are customarily incident to his office or which from time to time may be delegated to him by the Local Union or other authorities.

Conductor

Art. XXIV. It shall be the duty of the Conductor to examine all present at meetings; to ascertain
Subdiv. 2. that the dues book and/or card of each is paid up to date; to receive the quarterly current password; to report to the President all who are without the password; to conduct all candidates through the initiatory ceremony, and see that the Ritual is properly administered; to see that all candidates comply with the Ritual; to see that no one remains at the meeting or initiation save such as are members in good standing and who know the password; to furnish the General President full and complete information on any subject within his control or knowledge when requested and perform such other duties as are customarily incident to his office or which may from time to time be delegated to him by the Local Union or other authorities.

Guard

Art. XXIV. It shall be the duty of the Guard to take
Subdiv. 2. charge of the doors at meetings to see that
Section (g). none but members in good standing and with the quarterly password enter; to allow no member to retire without the consent of the President; to announce the names of all those without the password desiring admission and to admit such as the President shall designate; to furnish the General President full and complete information on any subject within his control or knowledge when requested and to perform such other duties as are customarily incident

to his office or which from time to time may be delegated to him by the Local Union or other authorities.

Trustees

Art. XXIV. It shall be the duty of the Trustees to have
Subdiv. 2. supervision over all funds and property of
Section (h). the Local Union under such instructions as they shall from time to time receive from the Local Union; to see that the funds of the Local Union are deposited by the proper officers in such banks and accounts therein as the Local Union shall designate; to examine the bank books and records of the Treasurer and any other officer holding funds of the Local Union and see that the same are correct; to be custodians of the bonds covering the Financial Secretary and Treasurer and such other officers as the Local Union may require to be bonded; to furnish the General President full and complete information on any subject within his control or knowledge when requested. They shall have such other duties as are customarily incident to their office or which shall from time to time be delegated to them by other authorities. In those instances in which the Local Union is audited not less than annually by an independent public accountant, the Trustees shall certify on the basis of the audit of such independent public accountant. In carrying out the duties imposed upon them by this Section, the Trustees shall act as a Board of Trustees and no Trustee shall separately act in his individual capacity as a Trustee.

Auditors

Art. XXIV. It shall be the duty of the Auditors to audit
Subdiv. 2. the books and accounts of the Recording-
Section (i). Corresponding Secretary, Financial Secretary, Treasurer, and any other officer or representative holding funds of the Local Union, at the end of the official quarter each year; and to report thereon at the first meeting of the Local Union in the months of January, April, July

and October. However in those instances in which the Local Union is audited not less than annually by an independent public accountant, the Auditors shall not separately audit the books and accounts, and shall report on the basis of such audit. The Auditors shall have power to summon any officer or member to explain the condition of his records or any discrepancy that may appear therein, and any officer so summoned shall be required to turn over to the Auditors all papers, records, books, and property belonging to the Local Union demanded by them; however, the Auditors shall take care not to exercise this power in a manner so as to interfere with the ongoing duties of the independent public accountant where a Local Union engages such. They and any independent accountant performing an audit of the Local Union shall furnish the General President full and complete data on any subject within their control or knowledge when requested. In carrying out the duties and powers enumerated in this Section, the Auditors shall act as a Board of Auditors and no Auditor shall separately act in his individual capacity as an Auditor.

Bonding

Art. XXIV. Every officer, employee or other representative of a Local Union who handles funds or
Subdiv. 2. other property thereof shall be bonded for
Section (j). the faithful discharge of his duties in such amount and as otherwise required by applicable law. The expense of such bond shall be paid by the Local Union.

Incapacity of Officers

Art. XXIV. In the event a Local Union officer whose
Subdiv. 2. signature is required by any provision of
Section (k). this Constitution or law is physically or mentally incapacitated and unable to act or refuses to perform his constitutional duties, the Local Union Executive Board may appoint any constitutional officer properly

bonded to act in his place and stead and such act shall be that of the person acting and the officer who is unable to act shall not be responsible therefor. In cases where the Local Union Executive Board fails or refuses to act, the General President may take whatever action he deems necessary.

ART. XXIV – SUBDIVISION 3 DUTIES OF MEMBERS

Art. XXIV. Members of Local Unions shall conform
Subdiv. 3. to and abide by the Constitution, Laws,
Section (a). Rules, Obligation and Ritual, and the decisions, rulings, orders and directions of any authority of the International Union empowered by this Constitution to make them. Each member shall keep the Recording-Corresponding Secretary properly and promptly notified of his residence and any change thereof. Consistent with applicable law, each member shall do all in his power to advance the cause of organized labor through the encouragement of the use of union goods and services. Members may, upon proper credentials being produced, obtain admission to meetings of other Local Unions of the organization.

Art. XXIV. The admission to membership in conformity to the Constitution, Obligation and
Subdiv. 3. Ritual constitutes a contract between the member, his Local Union, the International Union and every other member therein, whereby, in consideration of the benefits bestowed by such membership, he agrees that he will not violate the Constitution, Laws, Rules, Obligation and Ritual, and the decisions, rulings, orders and directions of the International Union or its subordinate branches, nor the trade rules of the locality in which he works, and that he will not enter into the employment of any person conditioned on severing his membership with this organization.

ART. XXIV – SUBDIVISION 4 LOCAL OFFICE

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

ART. XXIV – SUBDIVISION 5 STANDING COMMITTEES

Each Local Union shall establish a standing committee on Safety and Health and a standing committee on Legislation and Political Action, unless circumstances within a Local Union render such establishment impracticable, as well as such committees as it may desire and delegate specific duties to them. All committees shall render reports promptly to the Local Union and deliver all funds collected or held by them to the Financial Secretary, and perform such other acts and in such manner as the Local Union may from time to time direct.

ART. XXIV – SUBDIVISION 6 PROCEDURE ON APPLICATIONS

Applicants for membership shall be referred to a committee which may consist of the Local Executive Board in the Local Union, which committee shall investigate the character and qualifications of the applicants, and shall make a determination as to the qualifications of the applicant for membership in the Local Union. This determination shall be made on the basis of uniform standards, and shall not be discriminatory in any manner and shall be in accor-

dance with all applicable law. The applicant, if approved by the committee, shall be so notified and his name and address shall be placed on the records, and he shall be furnished a copy of the Constitution and his book and/or card of membership. If an applicant is rejected, his initiation fee shall be returned to him. A rejected applicant may reapply for membership after a lapse of ninety (90) days following his rejection.

ART. XXIV – SUBDIVISION 7 DUES, REMITTANCES, ARREARAGES, CHARGES, REINSTATEMENT AND TRIALS

How Dues Fixed

Art. XXIV. The dues required to be paid by the members to their Local Union shall be fixed by **Subdiv. 7.** a majority vote of the members in good standing, voting by secret ballot at a membership meeting, after reasonable notice of the intention to vote upon such question, or by a majority vote of the members in good standing voting in a membership referendum conducted by secret ballot, but shall not be less than the minimum dues provided under the Constitution. When the per capita tax payable to the International Union is increased pursuant to the provisions of Article XI, Section 1, the dues charged by a Local Union shall be increased in a corresponding amount in order to ensure the financial health of the International Union and its Local Unions; provided, however, that upon application of a Local Union, such increase may be waived by the General President if he determines that such waiver is necessary to protect and preserve the best interests of the Local Union.

Fixing Current Due Dates

Art. XXIV. Such dues may be fixed and charged on a **Subdiv. 7.** monthly, quarterly, semi-annual or yearly **Section (b).** basis and shall become due and payable on

the first day of the terms so fixed. Dues for any one of such terms shall be known as current dues for that term.

Good Standing Defined With Relation to Dues

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

Penalties for Members in Arrears to Local Union

Art. XXIV. Members who have not tendered their current dues on or before the day such dues shall have become due and payable may be removed from employment where valid collective bargaining agreements or applicable law permits. Members who have not paid their current dues or assessments within thirty (30) days after they shall have become due and payable may upon vote of the Local Union be denied voice and vote therein, be barred from meetings or removed from committees or both, or suspended from membership.

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

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

The Local Executive Board is likewise authorized

and empowered to take the same action provided hereinabove and to enforce the foregoing penalties for arrearages against members, whenever, upon findings by it said arrearages are found to exist, and the same authority and power is conferred upon Supervisors in charge of Local Unions under International Supervision.

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

In addition to the penalties hereinabove provided, Local Unions may also impose the penalties provided for the causes herein set forth. Except for failure to tender dues, no member shall be subjected to any of the penalties above enumerated unless the trial procedures set forth in Subdivision 7, Section (l)-(s) of this Article have been followed.

Other Causes for Fines, Suspensions or Expulsion

Art. XXIV. Any officer or member of a Local Union
Subdiv. 7. who becomes an habitual drunkard; who
Section (e). wrongs a fellow member or defrauds him; who commits an offense discreditable to the International Union or its subdivisions; who seeks to dissolve any Local Union or separate it from the general organization; who willfully engages in slander or libel where such slander or libel is contrary to the responsibility of every member toward the Organization as an institution or specifically interferes with the Organization's performance of its legal or contractual obligations; who violates the trade rules of the locality in which he is working; who fraudulently receives, misapplies, converts or embezzles the funds of

any subdivision of the International Union or the monies of any member entrusted to him; who violates his obligation or any section of the Constitution, Rules, Edicts and Ritual of the International Union; who divulges the password to anyone except the officer authorized to receive the same; who is guilty of insubordination; or who refuses to acknowledge or perform the lawful command of those authorized within the International Union to issue the same, may be disciplined or, upon trial therefor and conviction thereof, be fined, suspended or expelled from his Local Union.

Any member working contrary to a declared strike or the rules established by the Local Union by reason of a lockout shall, upon trial and conviction thereof, be subject to a fine of not less than Twenty-five (\$25.00) Dollars, or expulsion, or both. His name shall be reported to his Local Union, which shall enforce this Section, charge and collect the fine so imposed, under penalty of expulsion. Local Unions shall have the power to fix such other offenses as from time to time may be determined by them. Notwithstanding the foregoing provisions of this Section, the penalty prescribed upon a traveling member shall not exceed that amount normally imposed by a Local Union against its own members who have been found guilty of a similar offense or violation.

Payment of Fines

Art. XXIV. All fines legally levied or imposed shall be
Subdiv. 7. charged by the Financial Secretary against
Section (f). the member from whom due and must be paid by the member involved to the Financial Secretary within thirty (30) days. Wherever a fine is imposed upon a member, his sentence shall automatically be read to incorporate the following provisions. Members thirty (30) days in arrears in the payment of fines shall be denied voice and vote in their Local Union, and thereafter until the fine is paid no dues owed by such member can be received or

accepted by the Local Union. Such refusal to accept dues shall not, however, form the basis for removal from employment unless authorized by law. Members sixty (60) days in arrears in the payment of fines shall be removed from committees, barred from meetings and suspended from membership. Members ninety (90) days in arrears shall be removed from office. Members six (6) months in arrears shall be expelled from membership. In addition to the penalties provided for herein, Local Unions are authorized to secure the payment of fines through appropriate legal proceedings.

Where Other Local Unions are Involved

Art. XXIV. Any fines levied by any Local Union on a member of another Local Union shall be reported to and entered upon the books of the Local Union to which he belongs, which shall charge the same to and collect from the member involved. Upon collection of the same such Local Union shall forward the money to the Local Union which levied the same. Failure to transmit such fine as provided shall provide grounds for suspension of the charter of the Local Union charged with such duty.

Reinstatement of Suspended Members

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

ment and other charges due thereon. However, in cases where the cost of reinstatement exceeds the amount of the current initiation fee, the Local Union may accept such individuals as new members.

Reinstatement of Expelled Members

Art. XXIV. A member who has been expelled for any
Subdiv. 7. of the causes provided in this Article may
Section (i). be restored to membership in good standing and to his membership number only by application therefor on the form furnished by the General Secretary-Treasurer, together with the payment of all dues, assessments and fines in arrears, the reinstatement assessment and, in addition, an amount equal to six (6) months' dues. When all the foregoing requirements have been fulfilled, and the Local Union shall have granted such application pursuant to the procedure on applications contained in Article XXIV, Subdivision 6, notice thereof shall be given by the Financial Secretary to the General Secretary-Treasurer on the next monthly report, accompanied by all documents, reinstatement assessment and other charges due thereon. The affiliation with a Local Union of any person previously expelled from any Local Union of the International Union of Operating Engineers and not reinstated as hereinabove provided shall be null and void and, upon discovery of the fact by the General Executive Board or the General Officers, shall be cancelled upon the records of the International Union of Operating Engineers and the Local Union with which such person has become affiliated shall immediately strike his name from its records.

Local Unions Charged Upon Reported Status of Members

Art. XXIV. The General Secretary-Treasurer shall
Subdiv. 7. charge to the Local Unions and the Local
Section (j). Unions must pay all per capita taxes and as-

assessments due from the Local Union to the General Office upon the status of members reported by the Local Union to the General Secretary-Treasurer, which per capita taxes and assessments shall continue to be charged to and collected by the General Secretary-Treasurer from the said Local Union until a change in the status of any member shall be reported to and filed with the General Secretary-Treasurer.

When a Local Union Not Charged With Certain Per Capita Taxes

Art. XXIV. In instances where the penalty of suspension
Subdiv. 7. or expulsion is invoked upon members as
Section (k). provided in this Article, or where members have died or have properly transferred or withdrawn, Local Unions may, upon report to the General Secretary-Treasurer of each suspension, expulsion, transfer, withdrawal, or death, be relieved from further payment (including that due for the month in which the report is made but not for the month in which the death occurs or withdrawal is made) of the per capita tax due from the Local Union to the General Secretary-Treasurer on such members reported.

Trials

Art. XXIV. A Local Union shall have the power to discipline, fine, suspend or expel its members,
Subdiv. 7.
Section (l). upon causes provided in this Article, and provided further that any member charged with the offenses designated in this Article shall be tried within the jurisdiction of the Local Union where said offense was committed, in which case a copy of the verdict shall be sent to the Local Union to which the member charged belongs.

Art. XXIV. All charges must be preferred in writing
Subdiv. 7. and signed by the complainant. Where the
Section (m). President is not the complainant, the charges must contain a signed statement of either the complain-

ant or some other member that he has personal knowledge of the facts which form the basis of the charges. Charges must be filed within thirty (30) days of the event or circumstance giving rise to the charge, or within thirty (30) days of learning of the event or circumstance, whichever is later. Charges are to be filed with the Recording-Corresponding Secretary and read by the Recording-Corresponding Secretary at the next succeeding meeting following the filing of same. Immediately upon filing of such charges the Recording-Corresponding Secretary shall notify the defendant in writing, enclosing a copy of said charges, and of the date set for the filing of the answer or defense or the entering of a plea by the defendant, which date shall be not less than two (2) nor more than four (4) weeks thereafter. In addition, where the defendant is a traveling member, the Recording-Corresponding Secretary shall immediately send a copy of the charges to the Recording-Corresponding Secretary of the defendant's Local Union. Charges shall be specific, stating clearly, concisely and as accurately as possible the time, place, nature and circumstances of the offense alleged.

Art. XXIV. Within thirty (30) days after the pleadings
Subdiv. 7. are filed, or the plea entered, or the time
Section (n). elapsed in which the same must be filed or entered, the Local Executive Board, or any other Board within the Local Union established for the purpose, may at its discretion, order a pre-trial hearing and direct the complainants and defendants to appear at said hearing. All parties shall be notified in writing by Certified or Registered Mail providing the date, time and place of the hearing and the specific charges to be pre-tried. The purpose of the hearing shall be to define the issues and to make a preliminary determination as to whether the charges have merit. The Board, upon hearing all the parties, may at its discretion, decline to process these charges after such hearing, as being without merit. However, such decisions of

the Board not to process the charges, shall be appealable to the General Executive Board in accordance with the provisions of this Article. The failure of the complainant to appear at such pre-trial hearings may result in a dismissal of the charges by the Board. The Board shall also have the power to settle the matter at such hearing in the event such settlement is mutually agreeable to all parties. In the event the Board does not invoke the pre-trial procedures within the time set forth herein, or invokes the procedures and determines to proceed with the charges on their merits, the following provisions shall then become effective: After the pleadings are filed or the plea entered, or the time elapsed within which the same must be filed or entered, and the pre-trial procedure has been invoked, and/or time limitation for same expired, the President shall cause the parties to be notified of the trial date, which must be the next regular meeting thereafter. Unless a request for postponement of the trial shall have been made to and granted by the President, the trial shall proceed upon the date set. Complainants and defendants may present their own cases or by counsel selected from among the membership of the International Union of Operating Engineers. After all the evidence is in, and a full and impartial hearing has been had upon the issues, the President shall distinctly state the charge or charges and present the matter to the members present at said meeting for a vote.

Art. XXIV. The said members shall vote by ballot either guilty or not guilty on the merits of
Subdiv. 7. each individual charge. Three tellers shall
Section (o). be appointed, one by the defendant, one by the complainant and one by the President (if the President is either complainant or defendant then the third teller shall be elected by the meeting), which tellers shall collect the ballots and announce the verdict. A three-fourths vote of the membership recorded as present shall be required for conviction in cases involving expulsion, and a majority vote in cases

involving other penalties. If a verdict of guilty is returned, the President shall then prescribe the penalty permitted by the vote to be imposed.

Art. XXIV. In the event the complainant fails to appear
Subdiv. 7. at the time set for trial the President may
Section (p). dismiss the charges unless otherwise determined by a two-thirds vote of the members present. In the event the defendant willfully fails to appear at the time of the trial the said trial may be conducted in his absence, a vote taken by the tellers appointed by the President, a verdict announced and a penalty imposed.

Art. XXIV. Any member other than the President of the
Subdiv. 7. Local Union preferring charges against an
Section (q). other member as provided herein, must at the time of filing the charges deposit Fifty Dollars (\$50.00) in cash or certified check for each individual charge and for each signatory to each such individual charge against each member. In the event a charge is proved, the deposit for that charge shall be returned to the member filing the same, and if not proved, shall be forfeited to the Local Union. Any member of a Local Union fined, disciplined or expelled shall have the right to appeal to the General Executive Board in the manner and form provided in the Constitution and the Laws and Rules established thereunder. Any appeal rightfully taken and properly filed wherein the penalty of expulsion is imposed shall cause the order of expulsion to be stayed until decision of the General Executive Board thereon. Unless by action of the General Executive Board thereon, waiving the requirement, no member may appeal from the imposition of a fine unless and until such fine shall first be paid by him.

Trials of members within Local Unions under International Supervision shall be by and before the General President, or his deputy thereunto assigned, who shall be authorized and empowered to hear and decide the same.

In all such cases charges of infractions of the Constitution, bylaws Ritual and rules against a member shall be filed with the Supervisor who shall serve the accused with copies thereof and upon reasonable notice thereafter, the General President or his deputy thereunto assigned shall hear, try and decide the case, and administer the penalty from which sentence the aggrieved party may appeal to the General Executive Board in the manner governing appeals under the Constitution.

In the event the President of the Local Union is the complainant or the defendant he shall not participate as a member of the Local Executive Board in the pre-trial functions entrusted to the Board under Section (n) of this Subdivision, and shall not exercise any of the functions entrusted to the President under said Section (n) or under Sections (o) and (p) of this Subdivision. All functions entrusted to the President under said Sections (n), (o) and (p) shall, when the President is either the complainant or the defendant, be exercised by the Vice President or, if he is either the complainant or the defendant, then by any other Local Union officer selected by the Local Executive Board.

Art. XXIV. In the event charges are filed by a member
Subdiv. 7. against an officer of a Local Union, the Local
Section (r). Executive Board must conduct a pre-trial hearing of the nature and in the manner described in Subdivision 7, Section (n) of this Article. The decision of the Local Executive Board, whether it be to decline to process the charges as being without merit or to submit the charges for trial within the Local Union, shall be subject to appeal to the General Executive Board in the manner governing appeals under the Constitution. If, on appeal, the General Executive Board upholds the decision of the Local Executive Board not to process the charges, or if the General Executive Board reverses the decision of the Local Executive Board to submit the charges for trial within the Local Union, there shall be no Local Union trial and

the charges shall be dismissed. Notwithstanding any other provision of this Constitution there shall be no further appeal from such decision. If the General Executive Board reverses the decision of the Local Executive Board not to process the charges, or if the General Executive Board upholds the decision of the Local Executive Board to submit the charges for trial within the Local Union, it shall remand the charges to the Local Union for trial within the Local Union in the manner provided by this Article. Under the procedure herein provided, a reading of the charges at a membership meeting prescribed in Subdivision 7, Section (m) of this Article, shall be postponed until such time as the charges are ripe for trial at a membership meeting.

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

ART. XXIV – SUBDIVISION 8 RECALL OF OFFICERS

Whenever twenty-five (25) percent of the members in good standing in a Local Union shall file with the Recording-Corresponding Secretary a petition requesting the recall from office of any officer of the Local Union elected and holding office for a term of more than one year and within thirty (30) days thereafter a special meeting of the Local Union shall have been called and held with all petition-

ers present thereat, which special meeting shall have been devoted to verifying the signatures of all petitioners to said recall petition and the certifying by the Financial Secretary of the good standing of each petitioner, then and not otherwise the Recording-Corresponding Secretary shall notify all members in good standing of: 1st, the filing of the petition; 2nd, the holding of such special meeting; and 3rd, the date set for the voting upon the recall (which date shall be the third regular meeting following the mailing of such notice) and a vote thereon shall be taken at such meeting. The voting upon the recall shall be by secret ballot conducted by three tellers one of whom shall be a petitioner, one appointed by the President and one elected by the members present at the meeting. No officer shall be recalled unless there be cast a two-thirds vote of the entire membership in good standing in favor thereof, and upon the rendition of the required vote the said office shall become vacant.

ART. XXIV – SUBDIVISION 9 QUORUM

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

ART. XXIV – SUBDIVISION 10 MEETINGS

Monthly Meetings

Art. XXIV. All Local Unions shall have at least one regular meeting each month, except that a Local
Subdiv. 10. Union may dispense with monthly meetings during a vacation period, not to exceed three successive months in one calendar year. Local Unions may also hold as many other regular meetings as may be necessary for the proper transaction of business. Where Local Unions are authorized to operate under a District Administration Form of Government, or have received special dispensation, the
Section (a).

meetings thereof, whether general or district, regular or special, shall be as required by the bylaws.

Annual Meetings

Art. XXIV. The annual meeting of Local Unions shall
Subdiv. 10. be the last meeting in June of each year.
Section (b).

Special Meetings

Art. XXIV. Special meetings shall be called when or-
Subdiv. 10. dered by the President, or by the Business
Section (c). Manager, or by a majority of the following
officers: Vice President, Recording-Corresponding Secre-
tary, Financial Secretary, and Treasurer, or upon written
request of one-third of the members of the Local Union in
good standing, or pursuant to a specific bylaw provision
specifying another means for calling such meetings.

ART. XXIV – SUBDIVISION 11 RELATIONS WITH EMPLOYERS

Contracts

Art. XXIV. Proposed collective bargaining agreements
Subdiv. 11. and modifications thereof may be nego-
Section (a). tiated for Local Unions by the Business
Manager, by a committee, by the Local Executive Board,
or by the Business Representative. Such agreements and
modifications thereof shall not be executed until they have
been presented at the next membership meeting following
the negotiation of the proposed agreement and have been
approved by the membership affected, provided, however,
that a Local Union may delegate to its Local Executive
Board or to its bargaining committee authority to approve
such agreements and modifications without such submis-
sion of the same to vote of its membership. Copies of final
agreements and modifications thereof negotiated by Local
Unions shall be filed with the General President immedi-
ately after execution.

Art. XXIV. Any vote taken under and pursuant to Article XXIV, Subdivision 11, Section (a) may, **Subdiv. 11.** if so voted by a majority of the membership of a Local Union voting, be limited to those members who have not retired under any negotiated pension plan, employer-financed employee plan, the General Pension Fund, or headquarters staff plan. Each such retired member shall, however, be entitled to have a voice at any such meeting. **Section (b).**

Pension Reciprocity

Art. XXIV. In order to advance the common interest by **Subdiv. 11.** assuring full reciprocity of pension benefits **Section (c).** among all plans covering Operating Engineers, it shall be the duty and obligation of each Local Union, consistent with applicable law, to secure provisions for pension reciprocity in all pension benefit plans negotiated by the Local.

ART. XXIV – SUBDIVISION 12 BYLAWS AND TRADE RULES

Local Unions may adopt and amend bylaws and trade rules by a majority vote of the members voting at a regular membership meeting, at a special meeting called for that purpose, or in a mail referendum of the membership. No bylaws or trade rules may be adopted or amended in contravention of the Constitution, Laws, Rules, Obligation or Ritual of the International Union, or the decisions, rulings, orders and directions of any authority of the International Union empowered by this Constitution to make them. Copies of all bylaws and trade rules, immediately following their adoption or amendment, shall be transmitted by the Recording-Corresponding Secretary to the General President and the General Secretary-Treasurer. Bylaws and trade rules or amendments thereto, in order to become effective, must first be adopted by Local Unions

and thereafter approved by the General President. Where a Local Union does not adopt bylaws of its own, the provisions of the International Constitution shall be its bylaws wherever applicable.

ART. XXIV – SUBDIVISION 13 DISSOLUTION

No Local Union shall dissolve or withdraw from the International Union of Operating Engineers over the dissent of seven (7) members in good standing.

ART. XXIV – SUBDIVISION 14 PARLIAMENTARY LAW

Roberts' Rules of Order shall be the parliamentary authority on all procedure not covered by the Constitution, Laws, Rules, Obligation and Ritual of the International Union or Local Unions subordinate thereto.

ART. XXIV - SUBDIVISION 15 STAFF EDUCATION

The International Union will conduct educational programs for Local Union Business Managers, business representatives, and staff regarding their obligations as union employees. All such personnel who commence employment on or after May 1, 2010 shall, within the first year of their employment, attend an educational program conducted by the International Union, with reasonable expenses defrayed by the International Union.

ARTICLE XXV APPRENTICESHIP

Local Unions should establish an apprenticeship and training committee which shall have the responsibility of developing and operating registered apprenticeship programs and such other programs as may be desirable to train members in the complete mastery of our craft jurisdiction.

Where Local Unions have established joint apprenticeship committees with employers, and where Local Unions have adopted standards for training apprentices, such apprenticeship standards shall not be less than the minimum standards established by the National Joint Apprenticeship and Training Committee for Operating Engineers.

Each Local Union shall register with the General Secretary-Treasurer its current apprenticeship standards.

All of the registered apprentice engineers of this International Union shall be subject to the rules and regulations thereof, and they shall also be subject to fines and penalties the same as journeymen members of the International Union of Operating Engineers.

ARTICLE XXVI DISTRICT ADMINISTRATION FORM OF LOCAL UNION GOVERNMENT

Art. XXVI. Where the circumstances of a Local Union **Section 1.** so require, and appropriate bylaws have been adopted by the Local Union and thereafter approved by the General President, it may proceed under a district administration form of government and shall:

- (a) Designate or amend the districts into which its territorial jurisdiction is confined;
- (b) Provide for the organization, administration and supervision of its districts;
- (c) Provide for the holding of regular monthly or quarterly district meetings with authority limited to making recommendations to the Local Union, initiating legislation to the Local Union, holding trials of members, electing such representation to the Local Executive Board, committees and similar bodies as may be provided under its bylaws, and, where the Local's bylaws specifically so provide, voting on bylaw amendments;
- (d) Designate and empower the Local Executive Board, in addition to its constitutional powers, to act for the

Local Union in business and administrative matters (including reinstatement of members and similar duties) in the interim between regular meetings of the general membership of the Local Union, all of which acts of the Local Executive Board to remain in full force and effect subject only to revocation by action of the general membership of the Local Union if taken at the next subsequent general membership meeting following the adoption of the act in question;

(e) Authorize and empower the acts of a Local Business Manager;

(f) Adopt or amend bylaws in accordance with Article XXIV, Subdivision 12, and fix dues in accordance with Article XXIV, Subdivision 7, Section (a);

(g) Provide for the holding of but two or more regular meetings of the general membership per year and the method of convening other called meetings thereof, all of which meetings to be deemed regular meetings of the general membership for the purposes outlined in the Constitution;

(h) Provide for the nomination of Local Union officers at district or general membership meetings prior to the election, but in no event earlier than a May meeting preceding the election, with elections during the month of August by mail referendum conducted by secret ballot among the general membership or by Australian ballot system, in which event the polls shall be kept open for a period of twelve (12) consecutive hours between the hours of 6 a.m. and 10 p.m. on the date of election and with the installation of elected officers during the month of September;

(i) Provide for the nomination of delegates to General Conventions at district or general membership meetings during the months of December or January prior to the Convention, with elections during the month of February by mail referendum conducted by secret ballot

among the general membership or by Australian ballot system, unless under the provisions of the Local Union bylaws they are elected prior thereto, but in no event more than one (1) year prior to the first day of the Convention;

(j) Provide for adequate safeguards to ensure a fair election in elections conducted pursuant to subsections (h) and (i) of this Section, in accordance with the International Constitution, applicable law and such rules and regulations as may be promulgated by the General Executive Board;

(k) Exercise such other powers as may be deemed necessary and incidental in effectuating the normal administration of business of the Local Union.

TRIALS OF MEMBERS UNDER DISTRICT ADMINISTRATION FORM OF GOVERNMENT

Art. XXVI. Whenever a Local Union shall be qualified
Section 2. to proceed under the District Administration Form of Government, the trials of any of its members, upon charges, may if its bylaws so provide, be before the district membership meeting and in such cases any infraction of the Constitution, Ritual, bylaws or rules by a member invoking discipline against him which would otherwise be triable under the Constitution before a general membership meeting of a Local Union shall, under this section and with the same force and effect, be heard and acted upon by and before the regular district membership meeting in the district wherein the infraction or cause arose. All pertinent constitutional procedure governing trials, charges and penalizing of members, shall apply to such trial and procedure before regular district membership meetings, and any member aggrieved by such procedure or the penalty assessed therein may appeal therefrom directly to the General Executive Board in the manner and form governing appeals under the Constitution.

ART. XXVII
THE GENERAL PENSION FUND PLAN

The terms and provisions of the General Pension Fund Plan, as amended from time to time by the trustees thereof, are printed in a separate booklet available through each Local Union and distributed to each participant. Participation in the General Pension Fund Plan is a mandatory obligation of all Local Unions.

ART. XXVIII
HONORARY POSITIONS CREATED

There are hereby established the Honorary Titles of GENERAL PRESIDENT EMERITUS, GENERAL SECRETARY-TREASURER EMERITUS and GENERAL COUNSEL EMERITUS and such titles may only be conferred by the General Convention when in session or the General Executive Board and only upon officials who have served not less than five years in either of the positions of General President, General Secretary-Treasurer or General Counsel.

ART. XXIX
SAVINGS CLAUSE

If any provision of this Constitution is held to be invalid by operation of law or by any competent authority or tribunal, the remainder of the Constitution or the application of such provision to persons or circumstances other than those as to which it has been held illegal or invalid shall not be affected thereby. If any provisions of this Constitution shall be found or declared to be illegal, invalid or inoperative by any competent authority of the legislative, executive, judicial or administrative branch of a Federal, State or Provincial government, the General Executive Board is empowered to substitute during the period of its invalidity a provision which will meet the objections to its invalidity and which will be consistent

with the intent and purpose of the invalid provision.

Notwithstanding any other provision of this Constitution, if, at any time, the General Executive Board shall deem it necessary for the protection of the welfare and best interest of the International to amend any provision of this Constitution because of any finding, declaration, order or judgment by any competent authority of the legislative, executive or administrative branch of a Federal, State or Provincial government, it shall be empowered to enact such amendment and such amendment shall have the same force and effect as any other provision of this Constitution.

Wherever reference is made to gender in this Constitution the same shall be interpreted and construed as including both male and female. This interpretation shall also be applied by Local Unions and other subordinate bodies of the International Union to their respective bylaws.

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