

CONSTITUTION
OF
THE INDUSTRIAL, TECHNICAL &
PROFESSIONAL EMPLOYEES UNION, AFL-CIO
affiliated with the
Office & Professional Employees International
Union, AFL-CIO

As Amended through the May 2018 ITPEU Convention



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Article I - OBJECTIVES

Section 1-Name: This organization shall be known as the Industrial, Technical & Professional Employees Union, OPEIU Local 4873, and, for the purpose of brevity, is to be known as the ITPEU. Its powers shall be legislative, judicial and executive. Affiliation herewith shall not interfere with the religious or legitimate political activities of its members.

Section 2-Objectives: The Union shall strive to achieve the following organizational, economic, political and educational objectives:

(a) To unite in one organization regardless of race, creed, color, sex, nationality, religion or political affiliation, all workers eligible for membership.

(b) To defend the interests of workers, and to bring about the unification of all workers and organizations on a national and international scale.

(c) To promote the extension of trade union principles, and the organization of all unorganized workers into trade unions, and the affiliation of all trade unions to national or international labor organizations.

(d) To engage in such other activities as may be necessary and to extend the process of free collective bargaining throughout all trades and industries.

(e) To improve the wages, working conditions and job opportunities of the membership of this Union and of all bona fide workers.

(f) To secure appropriate legislation for the protection of all workers.

(g) To maintain a legislative committee and/or office for the purpose of bringing about the enactment of laws beneficial to all workers, its members in particular, to appear before federal and state Government agencies, Legislative Committees and Executive Officers, to cooperate with all other groups having similar aims and to do all things necessary and proper in the

furtherance of the above-mentioned objectives and purposes of this Union.

Section 3-Authority: This Union is irrevocably authorized and empowered exclusively to appear and act for each and all of its members and on their behalf before any Board, Court, Committee or other tribunal in any matter affecting their status, singly or jointly, as employees, or as members of the Union, and exclusively to act as agent of all members and bind each and all of them in the presentation, prosecution, adjustment of any kind or character arising out of the employer-employee relationship as fully and to all intents and purposes as the member might or could do if personally present, said power to include but not to be limited to the prosecution, adjustment and settlement of grievances, complaints or disputes arising under any Union collective bargaining agreement.

Article II - AFFILIATION

Section 1-National and International: The Union, affiliated with the Office & Professional Employees International Union and the American Federation of Labor and Congress of Industrial Organizations, may apply for affiliation with any national or international labor organization now in existence or hereafter to be organized on a national or international basis, subject to approval by a majority of the Union Convention Delegates and ratification by a majority of the membership voting at regular or special membership meetings. Disaffiliation with any such organization shall take place in the same manner.

Section 2-Local and State: At the direction of the Executive Board, the ITPEU may affiliate with local and state trades or labor councils, whose principles are not in conflict or inconsistent with the aims and purposes of the Union.

Section 3-Affiliation with ITPEU: The Executive Board may review and act upon applications for affiliation by labor organizations with the Union upon such terms and conditions as are agreeable to both the Executive Board and to the labor organization seeking affiliations with the Union.

Article III - MEMBERSHIP

Section 1-Participation in Union Affairs: The membership of the Union is entitled to all the rights and privileges of members,

including the right to hold office, to nominate candidates for office, to vote in elections or referenda, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to the provisions of this Constitution and such reasonable rules and regulations as may be adopted for the orderly conduct of meetings. Membership shall be contingent upon performance of all duties and responsibilities set forth in this Constitution, including the payment of dues and fulfillment of other obligations, financial or otherwise, as are required. No member shall be entitled to any benefits of the Union or be considered in good standing unless all dues are paid up for the full current month or paid in accordance with any dues checkoff system under any applicable collective bargaining agreement.

Section 2-Powers of Officials: The membership of the Union is guaranteed the right to determine the powers of all officials and to determine the policies and programs of the Union in the manner prescribed by this Constitution. The officers of the Union shall have all the powers necessary and proper to the performance of their defined duties and the accomplishment of the duly adopted policies and programs of the Union, but shall not otherwise exercise any powers not granted to them by the membership in accordance with this Constitution.

Section 3-Associate Membership: The Executive Board may provide for associate or contributing members, to consist of people who desire to aid in our objectives. Associate or contributing members shall not have any rights to vote in Union elections or membership meetings.

Section 4-Retiree Members: The Union shall have a category of retiree members, consisting of individuals who have left the labor market but who wish to indicate their continuing support for our objectives. Retiree members shall pay retiree dues of five dollars (\$5.00) per month, but shall not be eligible to vote in Union elections or membership meetings.

Article IV - SYSTEM OF ORGANIZATION

Section 1-Constitution: This Constitution, and any by-laws or amendments subsequently adopted by convention action or by majority vote of the membership, shall control the action and conduct of the officers and members of the Union.

Section 2-Union Convention: The Union Convention of Delegates, elected in accordance with provisions of this Constitution, shall be the supreme governing authority of the Union.

Section 3-Executive Board: The Executive Board, which shall be composed of the Union President, Union Secretary-Treasurer, Union Vice President and four (4) Executive Board Members At Large or their successors duly designated in accordance with this Constitution, shall be the governing body of the Union between conventions.

Section 4-The Membership: Members in good standing shall have equal rights and privileges within the Union to nominate candidates, to vote in elections or referenda of the Union, to attend meetings and to participate in the deliberations and vote upon the business of such meetings, subject to the provisions of this Constitution. A majority vote of the membership shall be authorization for any Union action consistent with this Constitution.

Article V - CONVENTIONS

Section 1-Duties: The Union Convention shall be the governing body of this Union.

Section 2-Time and Place: The regular Convention of the Union shall be held during the month of April, May or June, commencing in 2018, and during either month every four (4) years thereafter. The Executive Board shall determine the date and place of the Convention.

Section 3-Representation: The membership shall elect 35 Delegates to the Union Convention at the same time and in the same manner as the election of Union officers; provided however, if the number of Union members in good standing is less than 10,000 as of March 31 prior to the election of the Delegates, only 25 Delegates shall be elected. In addition, the members of the Executive Board shall be ex officio Delegates to the Convention with full voting powers. Each Delegate, including each ex officio Delegate, shall have the same voting strength. At the same time as the election of the Delegates to the Union Convention, the membership shall elect five (5) Alternate Delegates who shall serve in the event of vacancies as set forth in Section 4 of this Article.

Section 4-Vacancies: A vacancy shall exist in the position of Delegate to the Union Convention whenever a duly elected Delegate is absent from the Convention, dies, resigns, or at the time of the Convention is incapacitated, is in arrears in dues, is dropped from membership or is expelled from membership in the Union with no further right to appeal in accordance with the provisions of this Constitution. In the event of one or more vacancy at a Union Convention, the vacancy (or vacancies) shall be filled by the Alternate Delegates in order of the number of votes received at the time of their election.

Section 5-Eligibility of Delegates: All members eligible for election to office in this Union shall be eligible for election as Delegates to the Union Convention. Qualified Delegates to any Union Convention must be elected in the same manner as prescribed herein for the election of officers.

Section 6-Quorum: The presence at the Convention of fifteen (15) Delegates shall constitute a quorum. Ex officio Delegates shall count toward the quorum requirement.

Section 7-All proceedings of Conventions of the Union shall be available in an unabridged form, when so ordered by the Convention.

Section 8-Amendments to this Constitution and Referendums:

(a) This Constitution may be amended in any Union Convention by not less than sixty percent (60%) of the Delegates voting. Proposed amendments must be submitted by resolution in accordance with the rules governing the proceedings of the Convention.

(b) Resolutions properly submitted to a Convention, which propose amendments to this Constitution, may specify therein that the subject matter shall be submitted to a referendum vote among the members of the Union. In such case, if the resolution is approved by a majority of the Delegates voting at the Convention, it shall be submitted to a referendum vote and, if approved by a majority of the members voting, shall go into effect.

(c) A referendum among the membership of the Union on any matter which does not amend this Constitution may be authorized by a majority of the Delegates voting at a Convention or a majority vote of the Executive Board. The matter submitted

shall go into effect if approved by a majority vote of the members voting.

Section 9-Rules of Order:

RULE 1: The President will state plainly every question coming before the Convention, and before putting it to vote, shall ask, "Are you ready for the question?" and should no Delegate rise to speak on the question, the President shall rise and take the vote, and after the President has risen no member shall be allowed to speak on it unless by consent of the President, who shall announce the decision on all votes and on all subjects. The President's decision on questions of order shall be without debate, unless the President submits the matter to the Delegates for a vote. In the event of any such submission, the Delegates may overrule the President's decision by a two-thirds vote.

RULE 2: A Delegate who wishes to speak shall rise and address the President, and shall be confined strictly to the merits of the question at issue. When two or more Delegates arise at once, the presiding officer shall decide who is entitled to the floor.

RULE 3: All Resolutions shall be presented in writing to the Union's Headquarters at least ten (10) days prior to the convening of the Convention. A copy of each Resolution shall be available for the members of the appropriate Committee at its initial meeting. Additional Resolutions may be presented at the Convention if permitted by sixty percent (60%) of the Delegates voting.

RULE 4: A motion to reconsider any former resolution or vote can only be made and seconded by Delegates who voted in the majority. All motions and resolutions relating to a reconsideration of any subject must be made by giving sufficient notice of when said reconsideration shall take place.

RULE 5: No business shall be taken up, except in the order prescribed, unless upon motion that the regular order of business be suspended for the transaction of the business set forth, and such motion shall be sanctioned by a majority vote.

RULE 6: All Union Officers and Delegates shall keep their respective seats during the continuance of the meeting except by the permission of the President.

RULE 7: No Union Officer or Delegate to the Convention shall read any report that takes more than thirty (30) minutes in the reading thereof, except with the approval of the Convention.

All reports of Union Officers and Delegates to the Convention must be duplicated, and if their oral reading will take more than thirty (30) minutes they shall be referred to the Committee on Distribution.

RULE 8: The Union President is authorized to order the removal from sessions of the Convention of persons or Delegates who are disorderly or disruptive or who prevent the normal conduct of the business of the Convention.

Section 10- Business of the Convention:

The Convention shall be conducted in an orderly fashion in accordance with Robert's Rules of Order; and shall conduct such business as the Executive Board deems appropriate. Except as the Executive Board may otherwise determine, the sequence of events at the Convention may be established within the reasonable discretion of the President, including but not limited to the scheduling of Reports of Committees at various times throughout the Convention and permitting Committee Reports to be read and submitted in parts. In addition, the President and/or Executive Board may invite guest speakers, who will be scheduled to address the Convention at such times as the President deems orderly and appropriate.

Section 11-Committees: All Committees of the Union Convention shall be appointed by the Executive Board and shall perform such duties as are assigned by the Executive Board. All regularly scheduled Union Conventions shall have Credentials, Rules, Resolutions and Constitution Committees plus any other committees established by the Executive Board for each Convention, provided, however, that the Executive Board may combine any or all of these Committees, at its discretion.

Section 12-Special Conventions: The Executive Board may, in its discretion, whenever it shall deem it necessary in the interest of the organization, convene a Special Convention. Any such Special Convention shall have all of the powers of any regular Convention and be governed by the rules and regulations applicable to regular Conventions, except as modified or altered by the Executive Board in its call for the Special Convention. If authorized by majority vote of the Executive Board, the

Delegates can amend this Constitution and/or take any other action by mail ballot. Any such determination made by mail ballot shall have the same force and effect as if made at a Special Convention.

ARTICLE VI - EXECUTIVE BOARD

Section 1-Meetings: The Executive Board shall meet no less frequently than twice each year at such places as may be designated by the President, and at such other times as the President or the Board may direct. The President or, in the President's absence, the Secretary-Treasurer shall be the Chairman of all Executive Board meetings. A majority of the Executive Board's members shall constitute a quorum.

Section 2-Voting: Each member of the Executive Board, except as otherwise provided in this Constitution, shall be entitled to cast one vote in that body. Its decisions shall be determined by majority vote of those voting, providing a quorum is present.

Section 3-Union Policies: It shall be the duty of the Executive Board to develop policies, strategies and rules which shall advance and protect the interests and welfare of the Union and its members. The adoption of any such recommendation shall make the provisions thereof binding Union policy, unless modified or otherwise altered by a majority vote of the membership, provided such recommendation is not inconsistent with the governing documents of the Union.

Section 4-Minutes: The President shall appoint the Assistant to the President to keep accurate minutes of all of its meetings. The Union Secretary-Treasurer shall maintain the meeting minutes in the Union's records.

Section 5-Duties and Responsibilities: The Executive Board shall be responsible for the administration of the day-to-day affairs of the Union, including but not limited to the authority to formulate bargaining strategy, to open or close Union offices, to hire, fire, reassign and lay off ITPEU Representatives and all other Union employees, to establish the compensation and benefits for all Union officers and employees and to direct, assign and otherwise supervise all Union officers and employees, except to the extent that specific administrative duties are assigned by this Constitution or by the Union's Convention to a particular officer or officers. The Executive Board is empowered to authorize the expenditure of such funds as

it may deem necessary for the proper administration of the Union's affairs, consistent with the stated purposes and objectives of this Constitution. The Executive Board shall have the exclusive authority, between Conventions, to interpret this Constitution and such interpretation shall continue in effect unless and until amended by Convention action. The Executive Board shall have such other powers, duties and authority conferred upon it by the Convention.

Section 6-Strikes: No strikes may be authorized except by majority vote of the Executive Board. The Executive Board is authorized to make all expenditures which, in its judgment, are calculated to bring a strike to a successful conclusion.

Section 7-Alternative Procedure: Notwithstanding the foregoing, the Executive Board may act without holding a formal meeting provided all members of the Executive Board are sent notice of the proposed action or actions and the decision of each member voting is reflected by a document and the action is approved by a majority of those voting thereon.

Section 8-Referendum: The Executive Board shall have the authority, whenever it may determine that it is in the best interest of the membership, to submit to a referendum vote among the membership any issue, policy or action. The vote thereon shall have the same binding effect as a vote by a majority of the membership. Any such referendum shall be conducted in accordance with the procedure outlined in this Constitution for elections except that the time and duration of the vote and all other pertinent details shall be set by the Executive Board.

ARTICLE VII - DUTIES OF OFFICERS AND OTHER PERSONNEL

Section 1-General: The officers of the Union shall be elected except as otherwise provided in this Constitution. These officers shall be the President, Secretary-Treasurer, Vice President and four (4) Executive Board Members At Large. The Union President, Secretary-Treasurer, Vice President and four (4) Executive Board Members At Large shall be ex officio delegates to the Union Convention; and the President, Secretary-Treasurer and Vice President shall be delegates to the International Union Convention. Except as otherwise provided in this Constitution, paid employees and officials of the Union shall devote their full time to their official duties.

Section 2-Union President:

(a) The Union President shall be the Chief Executive Officer of the Union and shall represent and act for and in behalf of the Union in all matters.

Deleted: The Union President shall also be the Chief Financial Officer of the Union....

(b) The Union President shall be a member of all committees, except as otherwise herein expressly provided.

(c) The Union President shall be Chairman of the Executive Board and may cast one vote with that body.

(d) The Union President shall be Chairman of the Union Convention and may cast one vote with that body.

(e) The Union President shall be responsible, within the limits of designated powers, for the enforcement of this Constitution, the policies of the Union and all rules and rulings duly adopted by a majority vote of the membership. Within these limits, the President shall strive to enhance the strength, the position and prestige of the Union.

(f) The responsibilities of the President may not be delegated but the President may, in the exercise of discretion, delegate the execution of such duties to a person or persons as the President decides, subject to the limitations set forth in this Constitution.

(g) The Union President shall have the authority to require any officer or representative of the Union to attend any regular or special meeting if, in the President's opinion, it is deemed necessary.

(h) The Union President, in the event of vacancy in a position or incapacity on the part of any employee, whether elected or appointed, may designate a replacement provided that designee is qualified under this Constitution to fill the job. Such replacement shall be subject to the approval of the Executive Board. This subsection shall not apply to a vacancy in a position or incapacity of a member of the Executive Board, which shall be governed by Article VIII of this Constitution.

(i) The foregoing duties shall be in addition to those other duties lawfully imposed upon the Union President.

Section 3-Union Secretary-Treasurer:

(a) The Union Secretary-Treasurer shall be the Chief Financial Officer of the Union. The Union Secretary-Treasurer shall also perform any and all other duties assigned or delegated by the Union President or the Executive Board.

(b) The Union Secretary-Treasurer shall be a member of all committees, except as herein otherwise expressly provided.

Section 4-Union Vice President:

(a) The Union Vice President shall perform any and all duties assigned or delegated by the Union President or the Executive Board.

(b) The Union Vice President shall be a member of all committees, except as herein otherwise expressly provided.

Section 5-Executive Board Members At Large: The four Executive Board Members At Large shall attend and participate at Executive Board meetings. Each shall also perform any and all duties assigned or delegated by the Union President or the Executive Board.

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Section 6-ITPEU Representatives:

(a) The ITPEU Representatives shall be responsible for implementing the directions of the Union President or Executive Board in the geographic areas assigned to them.

(b) They shall be prepared to account, financially or otherwise, for their activities, whenever demanded by the Union President, Union Secretary-Treasurer or Executive Board.

(c) In any event, they shall prepare and forward to the Union President a weekly report showing their activities during each week and shall comply with all other reporting directions issued by the President.

Section 7-Shop Stewards:

(a) The ITPEU Representative shall designate one or more Member(s) in each bargaining unit as Shop Steward(s). In those bargaining units which have two or more Shop Stewards, the ITPEU Representative shall designate one as Chief Shop Steward. The Chief Shop Steward shall coordinate all ITPEU-related matters among the other Shop Stewards.

(b) It shall be the duty of each Shop Steward:

(1) to become familiar with each provision of the collective bargaining agreement and supplement or addendum thereto applicable to the bargaining unit;

(2) to process all grievances in accordance with the applicable collective bargaining agreement;

(3) to enforce all provisions of the applicable collective bargaining agreement;

(4) to keep the Members informed of all educational and political actions of the Union;

(5) to keep the Members informed of the benefits provided by the applicable collective bargaining agreement;

(6) to sustain, maintain and increase the membership within the bargaining unit;

(7) to assist the ITPEU Representative to obtain and update home addresses for all Union members in the bargaining unit;

(8) to keep the ITPEU Representative informed of all developments in the bargaining unit;

(9) to distribute all Union literature and post all notices as directed; and

(10) to comply with all lawful directives of the ITPEU Representative and of any Union Officer.

(c) In the event that neither the ITPEU Representative nor a Union Officer is present at a membership meeting held in accordance with Article XII hereof, the Chief Shop Steward -- or, at those work sites where there is only one shop steward, the Shop Steward -- shall chair the meeting. If the Chief Shop Steward is not present, the Members shall elect one of the Shop Stewards who is present to serve as Chairman.

(d) A Shop Steward is subject to removal by the ITPEU Representative upon failure to comply with any of the duties set forth in this Article. A Shop Steward may also be removed from that position by the Executive Board at its discretion.

Section 8-Meeting Chairman:

(a) The ITPEU Representative for the area shall preside at all Union membership meetings. If neither the ITPEU Representative nor a Union Officer is able to preside, the Chief Shop Steward or Shop Steward, as applicable, shall preside as set forth in Section 7(c) of this Article.

(b) The Meeting Chairman shall keep order under rules of order as provided in this Constitution. The Meeting Chairman shall make sure that minutes of the meetings are kept and that all proposed resolutions and motions raised at each meeting are set forth in the minutes together with the votes thereon. The Meeting Chairman shall promptly forward the minutes to the Union President.

(c) The Meeting Chairman may cast a vote only in the event of a tie.

(d) Any member of the Executive Board shall have the right to act as Chairman of any membership meeting. In the event more than one member of the Executive Board wishes to chair a particular membership meeting, priority of preference shall be given first to the Union President, then to the Union Secretary-Treasurer, then to the Vice President and then to the Executive Board Member At Large selected by the Union President.

Section 9-Committees: The Executive Board shall have authority to designate committees and their members, except as otherwise provided in this Constitution. All committees shall submit findings and recommendations as prescribed in this Constitution or directed by the Executive Board. It shall be the special obligation of all committee members to observe all the requirements of this Constitution. Unless otherwise specifically set forth herein, the quorum for any committee shall be the majority of those duly elected or appointed thereto.

Section 10-Strike Committee:

(a) In no event shall a strike take place unless approved by a majority vote of the Executive Board. The Executive Board shall decide when any strike shall begin and shall be charged with the preparation, execution and termination of the strike plan which shall be binding on all members of the Union.

(b) In the event a strike has been authorized, the ITPEU Representative(s) for the geographic area(s) shall call a timely special meeting of all affected members for the purpose of electing a strike committee. This committee shall be composed of three (3) members and their duties shall consist of assisting the ITPEU Representative(s) to effectuate all strike policies and strategies.

(c) In no event shall any strike committee obligate this Union in any manner without the approval of the Executive Board.

ARTICLE VIII - VACANCIES IN OFFICE OR JOB

Section 1. In the event the Union President shall be unable to carry out designated duties by reason of death, resignation or removal from office, or any other reason, the Secretary-Treasurer shall assume the office of Union President until the next Union election.

Section 2. In the event the Union Secretary-Treasurer has duly assumed the office of the Union President or a vacancy otherwise occurs in that office, the Executive Board shall elect a successor from its own membership to fill the vacancy until the next Union election.

Section 3. In the event a vacancy shall occur simultaneously in the offices of Union President and Union Secretary-Treasurer, the Executive Board, by majority vote, shall name successors from its own membership, who shall fill those vacancies until the next Union election.

Section 4. If a vacancy occurs in the office of Vice President, the Executive Board shall elect one of the Executive Board Members At Large as a successor to fill the vacancy until the next Union election.

Section 5. If a vacancy occurs in the office of Executive Board Member At Large, the Executive Board may designate a successor, who must otherwise be qualified to fill said office or job, until the next Union election.

ARTICLE IX - QUALIFICATIONS FOR OFFICERS AND OTHER JOBS

Section 1-Eligibility: Any member is eligible for nomination to and election as a Union Officer or as a Delegate to the Union

Convention provided that member (1) is a member in good standing at the time of both nomination and election; (2) has been a member in good standing of the Union for at least two years immediately preceding the date of the closing of nominations; and (3) has had at least 180 days of employment (not including vacation time) in a collective bargaining unit represented by the Union in each of two out of the three calendar years immediately preceding the election year, provided that time spent by members holding office in the Union or engaged in official Union business shall be considered as employment time for the purpose of this subsection.

Section 2-Continued Good Standing: All candidates for and holders of elective offices and jobs, whether elected or appointed in accordance with this Constitution, shall maintain membership in good standing. Failure to do so shall result in ineligibility to hold such office or job and shall constitute incapacity with regard to such office or job.

Section 3-Other Jobs: All ITPEU Representatives and Shop Stewards shall be members in good standing when appointed and shall maintain that status while holding their jobs.

ARTICLE X - ELECTION FOR UNION-WIDE OFFICES

Section 1-Elected Positions: The membership shall elect the Union President, Secretary-Treasurer, Vice President and four (4) Executive Board Members At Large. The Union President, Secretary-Treasurer and Vice President, by reason of their election as such, shall also serve as this Union's Delegates to the regular and any special International Convention of the Office & Professional Employees International Union. The membership shall elect Delegates to the ITPEU Convention at the same time as the election of officers.

Section 2-General Provisions: Elections shall be held at regular three (3) year intervals. Such elections shall be held by secret ballot. Write-in votes are not permitted and any such vote for any office shall be void. The ballot envelope shall have on its face an official number assigned to each member. Lists of the names of the membership shall be made available to the tallying committee of the Union for the purpose of checking, at the time of the count, the voting eligibility of the members whose ballots have been received. All ballots shall be returned to the depository predetermined by the Union President to ensure

the secrecy of the ballot, and held there until the time designated for the counting of such ballots. The President may delegate the designation of the depository to the Impartial Administrator named pursuant to Section 5(e) of this Article.

Section 3-Nominations:

(a) Any member may be nominated or nominate another member for the offices of Union President, Secretary-Treasurer, Vice President, Executive Board Member At Large or Delegate to the Union Convention by delivery in person or sending by certified mail, a nomination petition signed by at least one hundred fifty (150) members in good standing addressed to the Credentials and Tally Committee in care of the Union President at the Headquarters address. The members in good standing who sign the nomination petition must include at least five (5) members each from at least ten (10) different bargaining units. No member may be a candidate for more than one position. In the event a member is nominated for more than one position, that member must choose the one position for which (s)he will be a candidate. In the absence of any such choice being made, the member shall be deemed to be a candidate for the highest nominated position and shall be further deemed to have withdrawn the nomination for any and all other positions.

(b) The Union President is charged with the safekeeping of these petitions and shall turn them over to the Credentials and Tally Committee upon the latter's request.

(c) The petition shall be dated and contain the following:

(1) The full name of the candidate.

(2) The candidate's home address, mailing address and Social Security number (or last four digits thereof).

(3) The number of the candidate's last dues receipt, or the identity of the employer and work site if dues are paid in accordance with a dues checkoff system.

(4) The title of the office or other job for which the member is a candidate.

(5) The printed names, signatures and membership numbers of 150 members in good standing.

(6) Evidence of qualifying employment time.

(7) Annexing a certificate in the following form, signed and dated by the proposed nominee: "I hereby accept the nomination for the office of . I certify that I am not now, nor for the five (5) years last past, have I been convicted of, or served any part of a prison term resulting from

conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or violation of title II or III of the Landrum-Griffin Act, or conspiracy to commit any such crimes."

Signature of Member

Dated:

(d) Printed forms shall be made available. It shall be the responsibility of the candidate to insure the good standing of 150 members signing this petition.

(e) The petition must be received at Union Headquarters before 5:00 p.m. on the last business day during the month of July of the election year.

Section 4-Credentials and Tally Committee:

(a) A Credentials and Tally Committee of three members and two alternates shall be elected at regular or special August Membership Meetings held at five (5) bargaining units. The nominated Committee members and alternates must be in attendance at the meeting at which they are to be elected. The Executive Board shall designate which bargaining units shall elect members and which shall elect alternates, provided that no more than one member or alternate shall be elected from each bargaining unit. No officer or candidate for office shall be eligible for election to this Committee. The Committee's results shall be by majority vote with any tie vote being resolved by the Union President.

(b) After its election, the Committee shall go into session at Union Headquarters on a date designated by the Executive Board. The Committee shall determine whether the person has submitted the nomination forms correctly and possesses the necessary qualifications. The Committee shall prepare a report listing each nominee and the office or job each nominee is seeking. Each nominee shall be marked "qualified" or "disqualified" according to the findings of the Committee. Where a nominee has been marked "disqualified" the reason therefor must be stated in the report. Where a tie vote has been resolved by the Union President, that fact shall also be noted, with sufficient detail. The report shall be signed by all of the Committee members in attendance, and be completed and distributed to the Union membership.

(c) When a nominee has been disqualified by the Committee, that nominee shall be notified by letter containing the reasons for such disqualification. That letter shall be sent by registered or certified mail to the mailing address listed by the nominee in the nomination petition. A disqualified nominee shall have the right to take an appeal to the Executive Board from the decision of the Committee. The nominee shall forward copies of any such appeal to the Executive Board. The appeal shall be presented and voted upon at the next meeting of the Executive Board after the Committee's notification to that nominee of its decision. It is the responsibility of the nominee to ensure timely delivery of the appeal.

(d) A majority vote of the Executive Board shall, in case of any such appeal, be sufficient to overrule any disqualification by the Committee, in which event the one so previously disqualified shall then be deemed qualified.

(e) Each member of the Committee shall be paid for services pursuant to this Section and to Section 6 of this Article at the rate of pay and reimbursement for legitimate out-of-pocket expenses as determined by the Executive Board unless otherwise ordered by a majority vote of the membership.

Section 5-Balloting Procedure:

(a) The Union President shall ensure the proper and timely preparation of ballots without partiality as to candidates. The names of the candidates for each separate office shall appear in alphabetical order. The names of all candidates shall be numbered in sequence commencing with the first name under the first office and ending with the last named candidate under the last office. The ballots may contain voting instructive comments not inconsistent with the provisions of this Constitution.

(b) The ballots so prepared at the direction of the Union President shall be the only official ballots. No others may be used. A sufficient amount shall be printed and distributed. A record of the ballots distributed shall be maintained by the Union President.

(c) The election shall be conducted in November of each election year in the manner established by the Executive Board consistent with this Constitution.

(d) No member's ballot shall be counted unless the member is in good standing at the time the ballot is cast or, in the case of a mailed ballot, as of 15 days immediately preceding the closing of the balloting.

(e) The Union President shall designate an Impartial Administrator to supervise the conduct of the election. The duties of such Impartial Administrator shall include: distributing the ballots, envelopes and such other materials necessary to conduct the election in the manner determined by the Executive Board; assuring the secrecy of the ballots and non-accessibility to the depository during the election; supervising the ballot collection and the tallying procedure with the Credentials and Tally Committee; and taking such other measures as the President may deem necessary to assure a fair and impartial election.

Section 6-Ballot Collection and Tallying Procedure:

(a) The members (or alternates, as appropriate) of the elected Credentials and Tally Committee and the Impartial Administrator shall, on the date designated by the Union President (but no later than the second full week of December of the election year), proceed to the depository and obtain all the ballots which shall be retained in the custody of the Committee and the Impartial Administrator until such time as the ballots are checked and counted.

(b) The Impartial Administrator and the Committee are charged with the tally of all the ballots and the preparation of a report setting forth in complete detail the results of the election, including a complete accounting of all ballots, and reconciliation of the same with rosters and verification lists of membership. The report shall clearly detail all discrepancies discovered and shall contain recommendations for the treatment of these discrepancies. The Impartial Administrator and all members of the Committee in attendance shall sign the report, without prejudice, however, to the right of any member thereof to submit a dissenting report as to the accuracy of the count and the validity of the ballots, with pertinent details.

(c) Each candidate, as well as the other members of the Union, shall be entitled to be present as an observer at the tally of the ballots, provided that such observer must be a member of the Union in good standing. In addition, the Committee may have present any person whose assistance it deems necessary.

(d) The Impartial Administrator and the Committee are also charged with the receipt and evaluation of written protests by any member who claims an illegal denial of the right to vote. If they find the protest invalid, they shall dismiss the protest and so inform the protesting member, by certified mail, on the day of dismissal. If they find the protest valid, the Impartial Administrator and the Committee shall permit such member on such terms as may be practical to cast a ballot. The reports of the Impartial Administrator and the Committee shall include a brief summary of each protest received, the name of the protesting member, and a summary of the disposition of said protest.

(e) The Impartial Administrator and the Committee shall commence their work on the day that the ballots are collected and shall complete their work, including the preparation and filing of their reports, as quickly as possible.

(f) The Impartial Administrator shall be paid at the rate of pay and reimbursed for legitimate out-of-pocket expenses as determined by the Executive Board, unless otherwise ordered by a majority vote of the Union membership.

(g) A majority of the membership, at the next membership meeting, may order a re-check and recount when a dissenting report has been issued by one or more members of the Committee.

(h) In the event of a tie vote for the office of Union President, the Union President shall, within 10 days, direct a run-off election among the candidates receiving the tie vote; and in the event of a tie vote for any other office, the membership at the next regular meeting shall, by secret ballot, vote on the candidates who received the tie vote. The candidate receiving the highest vote in the run-off election shall be deemed elected.

(i) All reports of the Impartial Administrator, the Credentials and Tally Committee and the Union President under this Article shall be communicated to the membership.

Section 7-Challenges to Election:

(a) Except as otherwise specifically provided herein, any challenge to the conduct of an election of Union Officers and Delegates shall be made not later than thirty (30) days from the date of the count of the ballots; such challenge must be in writing, setting forth in detail the specific conduct challenged and signed by the complaining member or members and shall be sent by certified or registered mail to the Executive Board, which shall hold hearings thereon, if it deems them necessary, and shall make its decision within thirty (30) days after the conclusion of its review of the challenges. If a recount is held pursuant to applicable provisions of this Constitution and a challenge to the conduct of the original election shall have been made prior to the decision to hold such recount, the challenge shall be considered moot and no action taken thereon by the Executive Board; and for any such challenge or any other challenge to be considered by the Executive Board, it must be submitted, in accordance with the foregoing provisions, by the member or members after the recount has been completed.

(b) The decision of the Executive Board may be appealed to the Union Convention. The written notice of appeal must be received by the Union President within twenty (20) days after the date of mailing of notification of the decision of the Executive Board to the challenging member. A majority of the Delegates voting at the Convention shall control. The action of the Executive Board on any such appeal shall be deemed final pending appeal to the Convention.

Section 8-Installation:

(a) The person elected shall be that person having the largest number of votes cast for the particular office or job involved. Where more than one person is to be elected for a particular office or job, the proper number of candidates receiving the successively highest number of votes shall be declared elected. It shall be the duty of the Union President to notify each individual elected.

(b) The duly elected Union President, Secretary-Treasurer, Vice President, four (4) Executive Board Members At Large and Delegates to the Union Convention shall take over their respective offices and jobs, and assume the duties thereof at 12:01 A.M. on January 1 immediately following the election year. At that time, the terms of their predecessors shall expire. This shall not apply where the successful candidate cannot

assume the elected office because of temporary unavailability for a reason which the Executive Board shall determine as just cause, in which event the incumbent shall remain in office until the successful candidate assumes the office. If the successful candidate does not assume the office in all cases within 90 days, unless such period is extended by the Executive Board for just cause, the provisions of Article VIII of this Constitution shall apply. All other cases of failure to assume the office shall be dealt with as decided by a majority vote of the Executive Board.

(c) Before assuming office, every officer shall take the following oath:

"I, _____, do hereby sincerely pledge my honor to perform the duties of my office as prescribed by the Union Constitution and to uphold the Constitution to the best of my ability. I will deliver to my successor in office all books, papers and other property of this Union that may be in my possession at the close of my official term. All this I solemnly promise with the full knowledge that to violate this pledge is to stamp me as a person devoid of principle and destitute of honor."

(d) The Union President is specifically charged with the preservation and retention of all election records, including the ballots, as required by law and is directed and authorized to issue such other and further directions as to the election procedures as are required by law, which directives shall be part of the election procedures of this Union.

(e) In the event a candidate for office who has received the highest number of votes dies before being installed, the office for which the candidate was running shall be decreed vacant and filled in accordance with the provisions of Article VIII herein.

ARTICLE XI - DUTIES OF MEMBERS

Section 1. Members of the Union shall hold themselves duty bound to recognize every other member in good standing and shall not traduce or slander their character or willfully or maliciously injure them in any way on penalty of being fined, suspended, or dropped from the Union. Members are expected to do all in their power to maintain the interest, the life and the usefulness of the Union. They shall comply with and observe all provisions of all outstanding collective bargaining agreements of the Union under which they may be employed.

Section 2. Members about to leave their positions shall report the same to the nearest Union representative, who shall refer, if possible, a competent member to fill the vacancy. Any member in want of a position shall report the same to the nearest Union representative.

Section 3. Members shall not be employed with others who do not comply with the appropriate provisions of an applicable collective bargaining agreement or who do not comply with the union security provisions of such collective bargaining agreement. The Executive Board may grant a member permission to work at a facility not covered by a collective bargaining agreement.

Section 4-Good Standing: A member shall be deemed in good standing when dues as set forth in this Constitution are paid up for the current dues period. Dues shall be considered paid for purposes of this section if the member has executed a dues deduction authorization in accordance with an applicable collective bargaining agreement and has submitted it to the ITPEU Representative for the area in sufficient time for transmittal to the employer so as to authorize dues deduction for the current period.

Section 5-Associate Members: To the extent permitted by law and governing documents, the Executive Board, unless otherwise directed by a majority vote of the membership, may provide for association with the Union by individuals in a lesser capacity than membership. The Executive Board, unless otherwise directed by a majority vote of the membership, may provide for the rights and obligations incident to such associations; provided, however, that no such associate member shall be deemed to be in good standing within the meaning of this Constitution; nor shall any such associate member have any right to vote or otherwise participate in any Union election, referendum or membership meeting. The rights and obligations of an associate member may include, but are not limited to (a) the applicability or non-applicability of all or any part of this Constitution except as restricted in this Section; (b) the terms of such association; (c) the right of the Union to peremptory termination of such association; and (d) the fees required for such association. In no event may anyone not a member receive evidence of association equivalent to that of members, receive priority of rights over members, or be termed a member.

ARTICLE XII - MEMBERSHIP MEETINGS

Section 1. Membership meetings shall be held at work sites at such times as determined by the ITPEU Representative responsible for each work site; provided, however, the Union President and/or the Executive Board can direct that membership meetings be held at one or more work sites within a stated period of time.

Section 2. Special membership meetings shall be called at any work site upon presentation of a petition signed by twenty-five (25) members in good standing or, at those work sites with less than twenty-five (25) members, by two-thirds of the members in good standing, stating the purpose of the meeting, provided twenty-four (24) hours notice is given to the membership and a majority of the petitioning members are present.

Section 3. Membership meetings outside of the regularly scheduled meetings may be called by the ITPEU Representative upon instructions from the Executive Board, provided twenty-four (24) hours notice is given to the membership.

Section 4. Notwithstanding anything to the contrary, all regular and special meetings shall be governed by this Constitution and Robert's Rules of Order where applicable. The ITPEU Representative (or other individual who is chairing the meeting) is authorized to order the removal from the meeting of any person who is disorderly or disruptive or who prevents the normal conduct of the business of the meeting.

Section 5. Order of Business: The Executive Board may establish a standard order of business for the meetings; and the ITPEU Representative conducting the meeting may modify that standard order of business as reasonably needed under the circumstances and shall establish the actual order of business for each meeting.

Section 6-Quorum: The quorum for a regular or special membership meeting shall be fifteen (15) members or ten percent of the members in the pertinent unit(s), whichever is less, but in no event shall be less than two (2).

ARTICLE XIII - FUNDS AND PROPERTY

Section 1. All dues, fees, assessments and other charges shall be payable to the Union. All money, assets, interests and property, including collective bargaining agreements, shall belong to the Union, whether held in its own name or in such other name as may be authorized by the Executive Board.

Section 2. In the event no contrary policies or instructions are in existence, the Union Officers and/or Executive Board may incur such expenditures or expenses as are normally encompassed within the authority conferred by this Constitution.

ARTICLE XIV - INITIATION FEES AND DUES

Section 1-Initiation Fees: There shall not be any initiation fees for this Union.

Section 2-Dues:

Section 2-Dues: Effective January 1, 2018, the dues of each member of this Union shall be \$34.50 per month; except for those who average less than 10 hours per week of employment in any given month with Union-contracted companies, in which case the dues for that member will only be one-half of the applicable, above-stated amount for that month; provided, however, that (a) any bargaining unit may, by secret ballot, elect to pay dues at a higher rate, (b) any individual who becomes a member as the result of a merger of another union into this Union and who, prior to such merger, was paying dues at a higher rate shall continue to pay dues at such rate for all periods that member is employed in a bargaining unit which had been represented, prior to the merger, by the merged union, and (c) the Executive Board may, at its discretion, decrease the dues rate (from that stated in this Section) for members employed in any particular bargaining unit. The dues stated in this Section are subject to such modification, if any, mandated by action of the OPEIU National Convention.

All other provisions of Article XIV shall remain unchanged.

Deleted: Effective January 1, 2014, the dues of each member of this Union shall be \$29.50 per month; except for those who average less than 10 hours per week of employment in any given month with Union-contracted companies, in which case the dues for that member will only be one-half of the applicable, above-stated amount for that month; provided, however, that (a) any bargaining unit may, by secret ballot, elect to pay dues at a higher rate, (b) any individual who becomes a member as the result of a merger of another union into this Union and who, prior to such merger, was paying dues at a higher rate shall continue to pay dues at such rate for all periods that member is employed in a bargaining unit which had been represented, prior to the merger, by the merged union, and (c) the Executive Board may, at its discretion, decrease the dues rate (from that stated in this Section) for members employed in any particular bargaining unit. The dues stated in this Section are subject to such modification, if any, mandated by action of the OPEIU National Convention.

Effective January 1, 2015, the dues of each member of this Union shall be \$31.00 per month; except for those who average less than 10 hours per week of employment in any given month with Union-contracted companies, in which case the dues for that member will only be one-half of the applicable, above-stated amount for that month; provided, however, that (a) any bargaining unit may, by secret ballot, elect to pay dues at a higher rate, (b) any individual who becomes a member as the result of a merger of another union into this Union and who, prior to such merger, was paying dues at a higher rate shall continue to pay dues at such rate for all periods that member is employed in a bargaining unit which had been represented, prior to the merger, by the merged union, and (c) the Executive Board may, at its discretion, decrease the dues rate (from that stated in this Section) for members employed in any particular bargaining unit. The dues stated in this Section are subject to such modification, if any, mandated by action of the OPEIU National Convention.

Effective January 1, 2016, the dues of each member of this Union shall be \$32.50 per month; except for those who average less than 10 hours per week of employment in any given month with Union-contracted companies, in which case the dues for that member will only be one-half of the applicable, above-stated amount for that month; provided, however, that (a) any bargaining unit may, by secret ballot, elect to pay dues at a higher rate, (b) any individual who becomes a member as the result of a merger of another union into this Union and who, prior to such merger, was paying dues at a higher rate shall continue to pay dues at such rate for all periods that member is employed in a bargaining unit which had b... [1]

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Section 3-Assessments: No assessments shall be levied except after a membership ballot conducted under such general rules as may be decided upon by the Executive Board unless otherwise directed by a majority vote of the Union membership, provided that:

- (a) The ballot must be secret; and
- (b) The assessment must be approved by a majority of the valid ballots cast.

Section 4-Suspension for Arrears in Dues:

(a) A member who is in arrears for more than two (2) months shall be automatically suspended from membership, provided, however, that he or she may be reinstated in accordance with the other paragraphs of this section.

(b) Where extenuating circumstances warrant such action, the Executive Board may reinstate a member who has been suspended under this section on payment of all back dues. As used in this section, "extenuating circumstances" shall include hospitalization, personal hardship, or imprisonment because of involvement in a labor dispute previously approved by the Executive Board.

(c) Where no such extenuating circumstances exist, and subject to review by the Executive Board, the ITPEU Representative may reinstate a member who has been suspended under this section on payment of all back dues provided that (1) a member owing three (3) or four (4) months shall pay all months owed plus Thirty Dollars (\$30.00); (2) a member owing five (5) or six (6) months shall pay all months owed plus Sixty Dollars (\$60.00); and (3) a member owing seven (7) or eight (8) months shall pay all months owed plus Ninety Dollars (\$90.00) for reinstatement under this subsection (c).

Section 5-Loss of Membership Card: A member who loses a membership card, except under circumstances of fire or other disaster, shall be issued a new card only upon payment of a fee of Ten Dollars (\$10.00) each.

Section 6-Application of Payments: Except as otherwise provided by law, all payments by members or other affiliates of this Union shall be applied successively to the monetary obligations owed to the Union commencing with the oldest in point of time,

as measured from the date of accrual of such obligation. The period of arrears shall be calculated accordingly.

ARTICLE XV - CHARGES AND TRIALS OF MEMBERS

Section 1. All violations of this Constitution or regulations or policies of the Union, and any trial held thereon, shall be governed by this Constitution.

Section 2. A charge shall not be considered timely if it is filed more than thirty (30) days after the act of misconduct in question is alleged to have occurred.

Section 3. When members are accused of an offense which, if proven, would subject them to a penalty, the following procedures shall be followed with respect to the filing and processing of any charge:

(a) The charge shall be in writing and shall be signed by at least two (2) members in good standing.

(b) The charge shall clearly state the names of each charging member and the name of the charged member. The acts of misconduct allegedly committed by the charged member shall be set forth in sufficient detail so as to inform the charged member of the nature of the offense, and shall include the date and place of the alleged misconduct and the manner in which it occurred. The charge shall also identify the specific Constitutional provision, rule, regulation or policy which allegedly has been violated.

(c) The charge shall be filed by a charging member with the Union President.

(d) Upon the filing of a charge, the Union President shall review it to insure that it has been timely filed and satisfies the requirements of sub-sections (a) and (b) of this section. In the event the Union President concludes that the charge is not in compliance with the requirements of this section, the charge shall be rejected and the member filing the charge shall be advised of the manner in which the charge is deficient and be given a reasonable opportunity to correct the deficiencies and re-file the charge.

(e) A charge which satisfies the requirements of this section shall be presented by the Union President at the next meeting of the Executive Board following the date of filing of the charge, provided that the charge was filed at least five (5) business days prior to the meeting. If the charge is received by the Union President less than five (5) business days before the first such Executive Board meeting, then the charge shall be presented to the following Executive Board meeting. The substance of the charge shall be read by the Union President at the meeting. Thereafter, the Executive Board members in attendance at the meeting shall vote on whether to accept or reject the charge. If the charge is rejected by the majority of the Executive Board members voting at the meeting, no further action shall be taken thereon.

(f) Following the Executive Board meeting at which the charge was accepted, the Union President shall immediately notify the charged member that a charge has been filed against him by mailing him a copy of the charge and a copy of the Union Constitution by registered or certified mail to the charged member's last known address. The Union President shall thereafter notify the ITPEU Representative for the work site where the charge originated of the results of the vote of the Executive Board.

(g) Following such notification, the ITPEU Representative for the work site where the charge originated shall call a special membership meeting for the purpose of electing a Trial Committee to hear the charge. No Union officer or employee may be part of the Trial Committee under this Article. The Trial Committee shall consist of three (3) members and two (2) alternates. The Committee shall elect its own Chairman. Two (2) members of the Committee shall constitute a quorum.

(h) As soon as practicable thereafter, the Trial Committee Chairman shall notify the charged member by registered or certified mail to the charged member's last known address of the date, time and place of the hearing before the Trial Committee, but in no event shall the hearing be held less than fourteen (14) days from the date on which notification of the date, time and place of the hearing was mailed to the charged party.

Section 4-Trial Committee Procedure:

(a) The ITPEU Representative shall give to the Chairman of the Trial Committee all charges pending for the hearing. The ITPEU Representative shall retain a copy of these charges. In no

event shall the Trial Committee proceed with the hearing unless it is established that the charged member has been mailed a copy of the charges and the Union Constitution in accordance with the requirements of Section 3(f) of this Article. Adjournments may be granted by the Trial Committee for good cause, provided a request for an adjournment is submitted at least three (3) days prior to the date of the hearing.

(b) The Trial Committee may proceed to hear the charge even though the charged member fails to appear for the hearing; provided, however, that no trial shall be conducted at a date or time when the charged party cannot attend because of employment in a unit covered by a Union collective bargaining agreement.

(c) The Committee may employ a reporter at the request of any party to the proceedings. The party or parties making such request shall pay all expenses associated with the reporter and shall furnish the Trial Committee with a copy of the hearing transcript.

(d) During the hearing, no persons shall be present except the members of the Trial Committee, counsel to the Trial Committee, the charging member, the charged member, the charged member's designated trial assistant, if any, a court reporter, if any, and the summoned witnesses, without the consent of the Trial Committee.

(e) The charged member shall have the right to select any member in good standing who so agrees to assist in defense at the trial; but shall not be permitted to be represented at trial proceedings under this Article by anyone who is not a member in good standing of the Union.

(f) All witnesses, except the charging and charged members, shall be excluded from the hearing room until called to testify.

(g) In receiving evidence at the hearing, the Trial Committee shall not be bound by the Rules of Evidence followed by the courts of law. However, the Trial Committee may exclude evidence which it considers irrelevant or not pertinent to the subject matter of the hearing, or evidence which by its nature is not reliable. The charged party and the charging party may object to the admission of any evidence at the hearing. The Chairman shall rule on all objections, subject to the agreement of a majority of the Trial Committee.

(h) The Trial Committee shall have the right to have legal counsel present at the hearing and during its deliberations to provide it with advice and whatever other assistance it requests.

Section 5-Order Of Trial:

(a) The Chairman shall read the charges to the charged member and ask whether the accused member pleads guilty or not guilty to the charges. A charged member may plead guilty and thereby waive any and all rights and privileges granted under this Constitution and accept such penalty as may be recommended by the Trial Committee, subject to a vote of the Union membership. If the accused member pleads guilty to the charges, the Trial Committee shall immediately meet in private session to determine the appropriate recommended penalty to be imposed on the charged member.

(b) In the event the charged member pleads not guilty, the Chairman shall direct the charging member to present evidence in support of the charges. The charged member and the members of the Trial Committee may cross-examine the charging member and any witnesses presented.

(c) The charged member may present evidence in defense against the charges. The charging party and the members of the Trial Committee may cross-examine the charged member and any witnesses testifying for the charged member.

(d) The charging member and the charged member may present brief oral summations to the Trial Committee at the close of the hearing.

(e) At the conclusion of the hearing, the Trial Committee shall deliberate in private session until it reaches a decision as to whether the charges have been proven. The charges shall be found proved only if the evidence supports such a finding. A majority of the Trial Committee shall render the decision. If there is a finding that the charges have been proven, a majority of the Trial Committee shall impose such penalty as is appropriate under the facts and circumstances of the case, and in accordance with the degrees of punishment set forth herein.

(f) The decision of the Trial Committee shall be reduced to writing and shall contain the charges made; the date of the hearing; the names of the charged members, the charging members and all witnesses; a fair summary of the proceedings; and a

statement of the Trial Committee as to guilt or innocence of the charged party, together with any penalty. Any member of the Trial Committee who disagrees with the majority's conclusion and/or penalty may file a dissenting opinion.

Section 6-Penalties:

(a) If the charges are proven during the trial, the penalty imposed shall be enforced by the Union subject to the rights of appeal set forth in this Constitution.

(b) Any member of the Union who shall be found guilty by the Trial Committee shall be subject to punishment as herein provided.

(c) Degrees of Punishment:

- (1) Public reprimand;
- (2) Fined for a proven offense;
- (3) Fined for each proven repetition of offenses;
- (4) Suspended pending payment of dues, fines or assessments;
- (5) Suspended for a stated period;
- (6) Expelled from membership;
- (7) Expelled from membership with fine or fines.

(d) All penalties imposed by the Trial Committee shall be effective immediately unless stayed by the Union President pending appeal upon written application by the member.

(e) The Trial Committee may impose upon guilty members any one or more or the above defined degrees of punishment upon any one charge. In cases where members are fined, such fines must be paid within one month, subject to the stay of penalties provision set forth herein. If payment is not made, the member shall automatically be expelled from membership without further notice, and the Trial Committee's decision shall so provide.

Section 7-Appeal to Executive Board:

(a) If the charged member has been found guilty by the Trial Committee, the Trial Committee shall forward its decision and all evidence and documentation to the Union President. The Union President shall mail a copy of the decision to the charged member by registered or certified mail to his last known address.

(b) The member who has been found guilty by the Trial Committee may file an Appeal, in writing, with the Executive Board. The member must state all desired arguments in the written Appeal and enclose all documents on which the member relies. The Appeal must be postmarked no later than 30 days after the member received the copy of the decision from the Union President and must be mailed to the Union President. The Union President will present the appeal to the Executive Board at its next meeting after receipt of the Appeal. The Executive Board may decide the Appeal based on the Trial Committee's decision and the written Appeal or may direct such further proceedings as it deems appropriate.

(c) A majority vote of the Executive Board to approve or disapprove the decision of the Trial Committee and the recommended penalty to be imposed shall determine the disposition of the case. The Executive Board may modify the recommended penalty if it deems that action appropriate.

(d) The Union President shall promptly notify the charged member of the decision of the Executive Board by sending the charged member a copy of that decision by registered or certified mail to that member's last known address.

Section 8-Appeal to Union Convention: A member found guilty of charges may appeal the decision of the Executive Board and/or penalty in writing to the next Union Convention. Any such Appeal must be filed with the Union President no later than thirty (30) days prior to the Union Convention; provided, however, that if the decision of the Executive Board is served upon the charged member less than thirty-five (35) days prior to the Union Convention, the Appeal will be timely if filed with the Union President no later than the day before the Convention. The Appeal must contain all arguments and documentary evidence which the member wishes the Convention to consider. The Convention Delegates shall consider the Appeal and render their decision by majority vote.

ARTICLE XVI - IMPEACHMENT AND REMOVAL OF ELECTED OFFICERS

Section 1-Charges and Answer: Charges of misdemeanors in office, malfeasance, misfeasance, nonfeasance, corruption, favoritism, extortion, gross misconduct or failure to conform to this Constitution or Union policy may be filed in writing by

five (5) Union Convention Delegates or petition signed by 100 members in good standing against any elected officer of this Union. In the event the charges, if proven, would also constitute a violation of the duties of membership, the charges shall so state. A charge shall not be considered timely unless it is filed with the Executive Board within thirty (30) days after the act of misconduct in question is alleged to have occurred. If the charges are timely, the Executive Board shall, within thirty (30) days of its receipt, send a copy by certified or registered mail, return receipt requested, to the officer so charged. The officer charged shall file a written answer to the charges not later than thirty (30) days following the mailing of the charges by the Executive Board.

Section 2-Trial Committee: Upon the filing of the charges, the Executive Board shall designate a Trial Committee consisting of three members in good standing who are Delegates to the Union Convention. No member who is a signatory on the charge or is an interested party in the charge shall participate in the designation; and no one who is a signatory on the charge or petition or who is an interested party in the proceeding shall serve on the Trial Committee. The Trial Committee shall, by majority vote or unanimous agreement, designate one of its members as Chairman.

Section 3-Trial Proceeding:

(a) The Trial Committee shall, by majority vote, establish the date, time and place of the hearing; provided however that the date of the trial shall not be earlier than forty (40) days after the mailing of the charges by the Executive Board to the charged officer. Adjournments may be granted by the Trial Committee for good cause, provided a request for an adjournment is submitted at least three (3) days prior to the date of the hearing.

(b) The Trial Committee may proceed to hear the charge even though the charged officer fails to appear for the hearing; provided, however, that no trial shall be conducted at a date or time when the charged officer cannot attend because of Union business to which that officer must attend pursuant to the explicit direction of the Executive Board.

(c) The Committee may employ a reporter at the request of any party to the proceedings. The party or parties making such request shall pay all expenses associated with the reporter and

shall furnish the Trial Committee with a copy of the hearing transcript.

(d) The charged officer shall have the right to select any member in good standing who so agrees to assist in defense at the trial; but shall not be permitted to be represented at trial proceedings under this Article by anyone who is not a member in good standing of the Union.

(e) During the hearing, no persons shall be present except the members of the Trial Committee, counsel to the Trial Committee, the charging members, the charged officer, the charged officer's designated trial assistant, if any, and the summoned witnesses, without the consent of the Trial Committee.

(f) All witnesses, except the charging members and charged officer, shall be excluded from the hearing room until called to testify.

(g) In receiving evidence at the hearing, the Trial Committee shall not be bound by the Rules of Evidence followed by the courts of law. However, the Trial Committee may exclude evidence which it considers irrelevant or not pertinent to the subject matter of the hearing, or evidence which by its nature is not reliable. The charged officer and the charging parties may object to the admission of any evidence at the hearing. The Chairman shall rule on all objections, subject to the agreement of a majority of the Trial Committee.

(h) The Trial Committee shall have the right to have legal counsel present at the hearing and during its deliberations to provide it with advice and whatever other assistance it requests.

(i) The Trial Committee shall have full authority to determine the rules of procedure which shall govern all parties, provided those rules are not inconsistent with this Article. The Trial Committee shall have full authority to direct the charged officer and/or any charging member to produce or make available to the Trial Committee or its designee any books, records or other documents in that individual's possession, direction or control.

Section 4-Decision of the Trial Committee:

(a) After the hearing, the Trial Committee shall deliberate and shall render a written decision which shall be filed with the

Union President together with the full record of the proceeding. Said decision shall direct either a dismissal of the charges in whole or in part, or a suspension or dismissal from office of the charged officer, or such other course of action which it deems necessary to obtain compliance with this Constitution or Union policy. Any Trial Committee member who disagrees with the Committee's conclusion and/or penalty may file a dissenting opinion.

(b) Any decision which calls for the suspension or dismissal from office of the charged officer shall also contain a provision relating to the membership of said charged officer. In the case of a suspension or dismissal from office, the charged officer can be suspended or, in the case of dismissal, expelled from membership. Also in the event of dismissal, the charged officer shall be barred from holding any office, position or employment in the Union for a period (up to and including the remainder of life) to be determined by the Trial Committee.

(c) The Union President shall, upon receipt, send a copy of the Trial Committee's Decision by certified or registered mail, return receipt requested, to the charged officer and to the members who filed the charges. Copies shall also be distributed to each member of the Executive Board.

Section 5-Appeal Procedure: Either the charged officer or a member who filed the charges may appeal the decision and/or penalty in writing to the next Union Convention. Any such appeal must be filed with the Union President no later than thirty (30) days after the Union President mailed the Decision of the Trial Committee or no later than thirty (30) days prior to the Union Convention, whichever occurs first; provided, however, that if the decision of the Trial Committee is mailed by the Union President to the charged officer or filing members less than thirty-five (35) days prior to the Union Convention, the appeal will be timely if filed with the Union President no later than the day before the Convention. The Convention Delegates shall consider the appeal and render their decision by majority vote.

ARTICLE XVII - DEFINITIONS

Section 1-Incapacity: Unless otherwise set forth herein, the term "incapacity" shall mean any illness or situation preventing the affected person from carrying out designated duties for more

than 30 days, provided that this does not result in a vacancy. However, nothing contained herein shall be deemed to prohibit the execution of the functions of more than one job and/or office in which event no incapacity shall be deemed to exist with regard to the regular job or office of the one taking over the duties and functions of the one incapacitated. The period of incapacity shall be the time during which the circumstances exist.

Section 2-Vacancy: Unless otherwise set forth or dealt with herein, the term "vacancy" and the term "vacancy not caused by an incapacity" shall be deemed to be the same, and shall include failure to perform the functions of any office or job by reason of death or resignation or expulsion from the Union, with no further right to appeal, in accordance with the provisions of this Constitution.

Section 3-Majority Vote:

(a) When applicable to the Union as a whole, the term "majority vote of the membership" shall mean the majority of all the valid votes cast by members at an official meeting of those work sites holding a meeting. This definition shall prevail notwithstanding that one or more work sites cannot hold meetings because of no quorum. The term "meeting" shall refer to a meeting or meetings during the time period within which a vote must be taken, in accordance with:

- (i) This Constitution,
- (ii) Union Policy or
- (iii) Custom and usage of the Union,

in the indicated priority.

(b) When applicable solely to work site action and not concerned with or related to Union action as a whole, and not forming part of a Union-wide vote, the term "majority vote of the membership" shall refer to the majority of the valid votes cast by the members at any regular or special meeting of the work site.

(c) When applicable to the Executive Board, "majority vote" or "majority vote of the Executive Board" shall mean a majority of the votes actually cast.

Section 4-Membership Action: The term "membership action" shall mean the same as the term "majority vote of the membership."

Section 5-Office or Job: Where the title of any office or job, or the holder thereof, is set forth in this Constitution, all references thereto and the provisions concerned therewith shall be deemed to be equally applicable to whomever is duly acting in such office or job.

Section 6-Member in Good Standing; Member: The term "member in good standing" shall mean a member not in arrears or under suspension or sentence of expulsion. Unless otherwise expressly indicated, the term "member" shall mean a member in good standing.

Section 7-Membership Card: The term "membership card" shall mean the official Membership Card issued by the Union as evidence of Union membership.

Section 8-Headquarters: The term "Headquarters," unless otherwise indicated, shall mean the office designated as such by the Executive Board.

Section 9-Union Constitution; Constitution: The terms "Union Constitution" and "Constitution" shall mean this Constitution of the Union.

Section 10-Work Site: The term "work site" shall mean the plant, military base or other facility where members perform work for which they are represented by the Union.

ARTICLE XVIII - AMENDMENTS

Section 1-By Union Convention: This Constitution may be amended by Union Convention as set forth in Article V, Sections 8 and 12, herein.

Section 2-By Executive Board: This Constitution may be amended by the Executive Board submitting to the membership proposed amendments which, if approved by a majority vote of the membership, shall be deemed adopted.

Section 3-By Membership Initiative: This Constitution may also be amended in the following manner:

(a) Any member may submit, at any work site membership meeting, proposed amendments to this Constitution in resolution form,

provided said proposed amendments are supported by a petition signed by five percent of the Union's total membership.

(b) When a proposed amendment is accepted by a majority vote of the membership at that meeting, it shall be referred to Headquarters. A Committee composed of five members shall be designated by the Executive Board. The Committee will act on all proposed amendments referred to it. It shall prepare a report on the amendment, together with any proposed changes, substitutions or recommendations and the reasons for such recommendations. The latter shall then be submitted to the membership by the Union President, to be voted upon, in a yes or no vote, by the membership of the Union by secret ballot in accordance with the procedures established by the Executive Board. The amendment shall either be printed on the ballot or, if too lengthy, shall be referred to on the ballot. Copies of the amendment shall be posted on the bulletin boards of all work sites where possible.

(c) If approved by a majority of the valid ballots cast, the amendment shall become effective immediately upon notification by the five member Committee (established pursuant to subsection b of this Section 3) to the Union President that the amendment has been so approved, unless otherwise specified in the amendment. The Union President shall immediately notify the Union membership of the results of the vote on the amendment.

ARTICLE XIX - EXHAUSTION OF REMEDIES

Before resorting to any court, tribunal or agency, every member, affiliate or other subordinate body of the Union that is aggrieved by any action taken or ruling, decision or opinion rendered by the Union, its affiliates or other subordinate bodies, or the officers or representatives thereof, shall be obligated to exhaust all procedures and remedies provided in this Constitution.

ARTICLE XX - SAVINGS AND SEVERABILITY

If any article or provision of this Constitution shall be declared invalid, inoperative or unenforceable by operation of law or by any competent authority of the executive, legislative, judicial or administrative branch of the federal government or of any state government having jurisdiction hereof, the

remainder of this Constitution and the application of such article or provision to persons or circumstances other than those as to which it has been held invalid, inoperative or unenforceable shall not be affected thereby.

ARTICLE XXI - EFFECTIVE DATE

The effective date of this Constitution shall be the date of its approval.