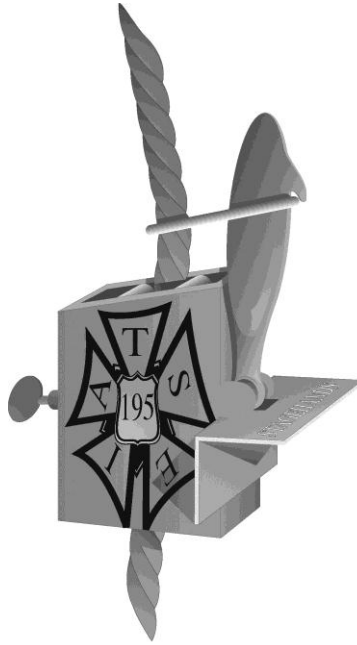




*CONSTITUTION & BY-LAWS*



**CONSTITUTION AND BY-LAWS OF  
THE INTERNATIONAL ALLIANCE  
OF THEATRICAL STAGE  
EMPLOYEES, MOVING PICTURE  
TECHNICIANS, ARTISTS AND  
ALLIED CRAFTS OF THE UNITED  
STATES, ITS TERRITORIES AND  
CANADA. AFL-CIO, CLC  
LOCAL 195 NEW HAMPSHIRE  
And LOWELL, MASSACHUSETTS  
JANUARY, 2013**

# CONSTITUTION

## **Article I. Name, Affiliation and Jurisdiction**

### **Section 1. Name**

The name of this organization shall be Local # 195 New Hampshire - Lowell, Massachusetts of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO, CLC (hereinafter called the “Local”)

### **Section 2. Affiliation**

This Local has been established and exists by virtue of a charter issued by the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (hereinafter called the” International”) and pursuant to the Constitution and By-Laws of the International.

### **Section 3. Jurisdiction**

Jurisdiction of this Local shall embrace the jurisdiction set forth above and in the Charter granted and as more fully defined in Article XVIII, Sections 9 and 10 of the International Constitution.

## **Article II. Purpose**

### **Section 1. Purpose**

The purpose of this Local is to provide a labor force comprised of men and women whose particular skills

and experience have earned them membership in this Local to the theatrical, moving picture, amusement and trade show industries and to see to it that the terms of their employment are in accordance with fair labor practice.

## **Section 2. Principles**

This Local is dedicated to the principles of trade unionism. Its objectives are to unite all workers within its jurisdiction for the following purposes:

- a. To improve their wages and hours of work; to increase their job security, and to better their working conditions.
- b. To advance their economic, social and cultural interests.
- c. To establish peaceful and harmonious relations between its members and their employers, and to increase the stability of the industry.
- d. To assure full employment.
- e. To promote and support democracy and free trade unionism.
- f. To engage in such other activities as may be necessary or proper to strengthen the labor movement and to extend the process of collective bargaining throughout all trades and industries.

## **Section 3. Organizing and Education**

This Local shall endeavor to accomplish the above by organizing the unorganized, educating its membership, negotiating collective bargaining agreements with employers, securing progressive legislation, and by utilizing all other appropriate means within then International.

## **Article III. Membership**

**Section 1. Qualifications for Membership.**No person shall be eligible either to membership or to retain membership in this Local who shall be a member of any organization having for its aim or purpose the overthrow, by force, of the Constitution and Government of the United States or Canada.

Any member who shall, upon trial, be found to lack any of the qualifications for membership in this Local, shall forthwith be expelled and shall surrender all rights and privileges as such member, including death benefits and other property rights, if any, in the assets of this Local, and no member so expelled shall be eligible to reinstatement thereafter.

Any person applying for membership in this Local must be of good moral character and reputation, and unless waived by the International for proper cause upon application of the Local, must have been a resident for at least eighteen months preceding his application within the jurisdiction.

Such applicant shall be of the legal age required to engage in gainful employment within the jurisdiction of this Local.

There shall be no discrimination against any person in respect to membership in this Local by reason of race, color, creed, national origin, sex or age.

### **Section 2. Application for Membership**

Every application for membership must be made upon the official printed form supplied by the International to the Local.

The endorsement of the application by the Local and then by the General Secretary-Treasurer of the International must be obtained before any action is taken by the Local upon the admission of the applicant, and if endorsement is refused, the applicant shall be rejected. A non-refundable application fee of \$100.00, which is to be submitted to the International, will be required with each application. Each application must also be accompanied by one-half of the initiation fee of \$200.00 (\$100.00) to be returned if the application is rejected. If application is rejected by the international, only the initiation fee is returnable. The application fee of \$100.00 is retained by the International.

Any applicant who is guilty of making false statements upon the application shall, if admitted to membership, be expelled upon conviction and shall thereafter be denied admission to membership in this Local. Any initiation fees or dues paid by such member shall be forfeited upon expulsion.

### **Section 3. Examination of Applicants**

Applicants for membership shall be required to pass satisfactorily examination as to competency and qualifications. Such examination shall be before a Membership Committee appointed by the Executive

Board, and the examination shall be uniform for all applicants. The approval of the Membership Committee is essential before further action is taken.

#### **Section 4. Balloting on Applicants**

An applicant who has complied with the preceding sections of this Article and who is therefore eligible for membership shall be proposed for admission at a regular meeting of the Local.

Such applicant shall not be present when his or her name is proposed for membership. Open discussion shall be permitted, and upon approval of the membership present, the application shall be forwarded to the General Secretary-Treasurer of the International.

If the applicant is rejected by the Local or by the International, the initiation fee shall be refunded in full with a letter stating the rejection. Said applicant may re-apply if he or she so wishes after a six month period. If accepted, the applicant must remit the balance of the initiation fee at the next regularly scheduled meeting. The application shall be balloted upon, and a vote of a majority of the members present shall be required for the acceptance of said applicant.

#### **Section 5. Registered Apprentices**

This Local may register the number of Apprentices permitted by the International Constitution and By-Laws. They shall make application as Apprentices to this Local on regular application forms. They shall have the same financial obligations as the regular members. They shall at all times be under the supervision of a Business

Representative. After serving three years apprenticeship they shall, if not previously voted in, be balloted upon by the membership and shall become full regular members, or their connection with the Local shall cease entirely, depending upon the vote of the membership. In the event that the Apprentice is not elected to membership, his initiation fee shall be returned.

## **Article IV Headquarters**

The headquarters of this Local shall be within its jurisdiction, and at such place as may be designated by the Executive Board.

## **Article V Government**

### **Section 1 Supreme Law**

The International Constitution and By-Laws, as well as this Constitution and By-Laws, shall be the supreme law of this Local.

### **Section 2 Membership Meetings**

Regular meetings shall be held on the. Third Monday of each month at 7:00PM. The meeting date shall be changed to the fourth Monday of the month if the regular meeting date falls on a holiday or if a sufficient number of the members are on a job as to make a quorum unlikely.

The meetings for July and August may be suspended by majority vote of the members present and voting at a regular monthly meeting



Special meetings shall be called by the President on petition of no less than three members, and no business, other than that for which such meeting is called, shall be conducted at that time.

A majority of the Executive Board as well as the President shall also have the power to call special meetings.

A quorum of five members in good standing is required to open a meeting for the transaction of lawful business.

### **Section 3 Executive Board Meetings**

The Executive Board shall meet at least once a quarter and at such other times as called by the President. A majority of the members of the Board shall have the power to call an Executive Board meeting. All members of the Board shall be notified in advance of such a meeting (though not necessarily in writing). A majority of the members of the Executive Board shall constitute a quorum.

## **Article VI Nomination and Election of Officers**

### **Section 1 Elected Officers and Eligibility**

- a. There shall be elected to office the following officers:  
President  
Vice-President  
Business Representative-Stagehands  
Business Representative-Operators, Secretary

Treasurer, Recording Secretary.

Executive Board - to consist of the above elected officers.

Board of Trustees - to consist of three members in good standing, the one receiving the highest vote in the election to be declared chairman. If vote is a tie, the President shall appoint the Chairman.

Sergeant-at-Arms

Delegates to the International Convention

a. To be eligible for office, other than as a Delegate, a person must have been a member in continuous good standing in this Local for a period of two years and not be disqualified from holding office under any applicable governmental law.

Any member in good standing of this Local shall be eligible to serve as a Delegate.

All nominees for office or Delegate must also meet the following provision;

- (1) Nominee has not been convicted and/or imprisoned for any official offense specified by Section 504 of LMRA Act of 1959 during the (5) years prior to each nomination for office.
- (2) Nominee shall file, upon request by the Judge of Elections , an affidavit under the penalty of perjury stating the above fact to be true. Individuals failing to comply will be deemed ineligible for officer.

- (3) Nominee, to the best of his or her knowledge, is bondable if the office sought so requires.
- (4) Members of the Board of Trustees may not be Members of the Executive Board.

## **Section 2 Nominations**

All nominations must be made at the regularly scheduled meeting in the month of December.

After nominations have closed, the President shall appoint a Judge to have charge of the proper conduct of the election, and two Tellers, none of whom shall be candidates, to assist.

Members shall be notified by mail of the date, time and place of the meeting at which nominations are to be taken at least fifteen days in advance of such meeting. Such notice shall also state the offices to be filled by election and the manner in which nominations are to be received.

## **Section 3 Elections**

a. The Election of officers shall be held once every two years in the month of January. At such election there shall be elected the officers provided for in Article VI, Section 1 of this Constitution and By-Laws.

b. Officers shall be elected in three (3) groups for a term of two (2) years each. The election for each group shall be held in alternate years. The groups are comprised as follows:

Group A- President, Secretary-Treasurer

Group B- Vice-President, Recording Secretary

## Group C- Business Representatives, Board of Trustees

c. Notice of the election shall be mailed to all members at least fifteen days prior to the election specifying the date, time and place of the election and the offices to be filled. Such notice shall be mailed to the member's last known address. The official ballot may serve as the notice of elections.

### **Section 4 Election Day**

Every member must have a paid-up dues card to receive an official ballot which he shall mark alone and return in time for the official count on Election Day via a pre-posted sealed envelope for this purpose.

The Judge of Elections in conjunction with at least one Teller shall open and count the ballots and prepare tally sheets. It shall be the duty of the Secretary of the Local to preserve the ballots and all other records pertaining to the election for a period of one year. The eligibility of members to vote must be verified.

A ballot must be post marked to be valid.

The total of each candidate's vote shall be recorded on a recapitulation sheet which must be signed by the Judge and Tellers and delivered to the President at the meeting. The President shall then read the results to the meeting. Those candidates receiving the highest number of votes shall be declared elected.

Any candidate shall have the right to have an observer (who must be a member in good standing in the Local) present at the polls and at the counting of the ballots.

All reasonable requests of any candidate to distribute campaign literature by mail or otherwise, at the candidate's own expense, to the members in good standing shall be honored.

Every candidate shall have the right to a copy of the list containing the names and last known address of all members of this Local.

Election shall be conducted by secret ballot. Only those members duly nominated shall be candidates for office. Write-in votes for those not duly nominated shall not be counted.

If there is only one candidate for any office, the Secretary shall cast a unanimous ballot for that candidate and shall dispense with the requirement of a secret ballot vote for that office.

In the event of a tie vote for any office, a special run-off election shall be conducted.

## **Section 5 Installation**

The officers elected shall be installed at the first regular meeting in the month of January and shall subscribe and assent to the required pledge before entering upon the duties of their office.

## **Section 6 Tenure of Office**

Elected Officers will remain office for two (2) years or until replaced due to impeachment proceedings, election, or by written resignation.

## **Section 7 Special Election**

- a. In the event a vacancy occurs among the officers of the Local for any reason, such vacancy shall be filled by Special Election to be commenced within 30 days. In the event the remainder of the current term of office shall be less than four (4) months when the special election is completed, the member elected to fill the vacancy shall be deemed to be elected for the full succeeding term in such office.
- b. Such special elections shall be held in the manner contained in this document for normal election.
- c. The winner of a special election shall be considered installed in office immediately.
- d. In the event that no member is nominated or accepts nomination for an elected office, with the exception of “Delegate to the International Convention” the President shall have the power to appoint any member in good standing to the office. The appointment shall be in effect until the next regular election of said officer.

# **Article VII Duties of Officers**

## **Section 1 President**

The President shall preside at all meetings of the membership and of the Executive Board and shall at all times conduct same in accordance with this Constitution and By-Laws and the standing rules attached hereto. For misconduct during the course of a meeting, a member may, at the discretion of the President, be summarily ejected from the meeting if his or her conduct persists in disrupting the meeting.

In the absence of a specific law to govern a given condition, the President shall decide the matter in a spirit of fairness and equity, and such ruling shall be enforced unless changed by the Executive Board or the membership.

He shall see that all officers perform their duties as prescribed by the Constitution and By-Laws, and shall be a member ex-officio of all committees.

He shall, with the consent of the Executive Board, use all moral and financial aid in enforcing the rules, wage scale and conditions of this Local.

He shall appoint the members of all committees.

If a vacancy should occur during the term of any officer of this Local, the President shall have the power to appoint a member in good standing to take his place temporarily until the vacancy shall have been filled by the membership at a By-Election.

The President shall also be empowered to appoint delegates to such conventions or trade assemblies (other than those named in Article VI, Section 1 hereof) as shall be of interest and importance to this Local.

In the event a vacancy occurs in the office of President, the Vice-President shall succeed to the office of President until the vacancy shall have been filled by the membership at a By-Election.

The By-Election must be held within sixty days after the vacancy is created

## **Section 2 Vice President**

In the absence of the President, the Vice-President shall assume all duties of the President. In the absence of the President and Vice-President at a meeting, the body shall select a presiding officer.

## **Section 3 Secretary / Treasurer**

It shall be the duty of the Secretary / Treasurer to keep a true and accurate record of all income and disbursements and all assets and liabilities of this Local.

He/she shall deposit all money in a bank approved by the Executive Board, in the name of the Local, subject to withdrawal by checks signed by himself/herself and the President.

He/she shall prepare a detailed quarterly financial report and present it to the membership at the first regular meeting of each new quarter



He/she shall prepare and present to the membership at the first regular meeting of the New Year, a detailed financial report of the preceding year's activity.

He/she shall collect all dues, fines and assessments from the members and shall report quarterly to the meeting the standing of all members.

He/she shall prepare the required reports and tax forms to be cosigned by the President and submitted to the U.S. Government yearly or as required.

He/she shall deliver to the Chairman of the Board of Trustees for auditing purposes all books and papers in his/her possession and shall attend such auditing meetings.

#### **Section 4 Recording Secretary**

It shall be the duty of the Recording Secretary to attend all meetings of the membership and of the Executive Board and to keep minutes, but not necessarily verbatim, of the proceedings of such meetings in a book provided for such purpose.

#### **Section 5 Business Representatives**

The Business Representatives shall supply employers with manpower when called upon to do so. They shall keep a correct list of all work given out, as well as a list of the unemployed.

They shall report to the Executive Board all alleged violations by members of the laws of the Local.

They shall perform such duties as ordered by the membership or by the Executive Board between membership meetings. They shall represent the Local in all dealings with employers, but shall at all times be under the supervision of the Executive Board.

They shall be a member, ex-officio, of all negotiating committees. Contracts negotiated by any such committees shall be subject to ratification of the membership unless the membership has in advance empowered the committee to conclude the contract without ratification.

### **Section 6 Board of Trustees**

The books of this Local must be audited every twelve months by the Board of Trustees who will make a detailed report of their findings at the next regular meeting. The Board of Trustees is charged with the responsibility of seeing to it that any officers and employees of this Local who handle its funds and property are bonded to the extent and in the amount and form required by law. The expense of such bonds shall be borne by the Local. The Board of Trustees shall also be responsible for seeing to it that all books and records of this Local used as the basis for preparing reports required by law to be filed with the Government are preserved for at least five years from the dates such reports were filed.

### **Section 7 Executive Board**

The Executive Board shall investigate all complaints of members and decide, if possible, upon all questions in

dispute between employer and employee, accepting any honorable means toward an amicable settlement that may be deemed essential to the best interest of this organization.

The Executive Board shall decide upon all matters referred to them by the membership and their decision shall be binding unless reversed by a majority vote of the members present at a regular or special meeting of this Local. The Executive Board shall act as a trial board of this Local unless the member elects to be tried at an open meeting as provided in Article XVI, Section 14 of the International Constitution. They shall have the power to summon as a witness any member. Those failing to answer may be adjudged in contempt and penalized for same by fine or suspension.

### **Section 8 Sergeant-at-Arms**

It shall be the duty of the Sergeant-at-Arms to be present at all membership meetings to see that none but members enter the meeting hall, and to carry out such instructions as are given to him by the presiding officer.

### **Section 9 Delegates to the International Convention**

The Delegates shall perform their duties as prescribed by the Constitution and By-Laws of the International and report thereon to the membership at the next regular meeting following the convention.

## **Section 10 Other Delegates**

Other Delegates shall attend meetings of the bodies or conventions to which they are accredited and shall report thereon to the membership at the next regular meeting.

## **Section 11 Compensation of Officers**

The Officers of the Executive Board shall be exempt from yearly dues. Any proposed change during the term of office of the compensation allotted shall require a two-thirds favorable vote by secret ballot of the members present at a special meeting called for this purpose. A written notice of such a meeting will be mailed to all paid-up members at least fifteen days in advance.

# **Article VIII Transfer, Reinstatement and Retired Status**

## **Section 1 Transfer**

Any member of another Local of the International wishing to transfer his/her membership to this Local shall present his application as a new member together with a transfer card from the Local of which he/she was a member.

## **Section 2 Reinstatement of Members**

Any member who has been suspended from membership shall be required to pay all financial obligations that may have accrued against him/her during the period of his/her suspension. Any member who has been expelled shall be

required to make application as a new member and shall be governed by all conditions pertaining to same.

### **Section 3 Retired Status**

Members at least 65 years of age with 25 years of membership in the alliance may, at their option, be declared retired members. They must fully cease employment under the local's jurisdiction or under the jurisdiction of any other affiliated IATSE local or the International. Retired members shall have voice but, no vote at union meetings and shall not be eligible to hold office.

## **Article IX Revenues**

### **Section 1 Dues and Initiation Fees**

The dues payable by each member shall be \$25.00 above the per capita cost of the stamp to the International, payable within 30 days of the quarter, payable in advance. The initiation fee shall be \$200.00. Both may be changed by vote of the membership.

### **Section 2 Special Assessments**

If, at any time, the Executive Board deems it necessary to acquire additional revenue for the best interest of the Local, it shall recommend to the membership a special assessment.

### **Section 3 Increase in Dues**

The amount of dues provided for herein shall not be increased nor shall any special assessment be levied or increased unless approved upon secret ballot by a majority vote of the members in good standing present at a regular or special meeting, written notice of which has been mailed to the members at least fifteen days in advance.

### **Section 4 Investments**

The Executive Board, subject to the approval of the membership, shall be permitted to invest the surplus money of this Local in United States or Canadian Government Bonds or Certificates of Deposit.

### **Section 5 Authority to Expend Funds**

The funds of this Local shall be used to defray the proper operating expenses provided for herein and for other legitimate purposes of this Local, most notably to secure health, welfare and education of the membership.

### **Section 6 Out- of-Jurisdiction Members and Nonmembers**

Members of other locals of the Alliance and Nonmembers working in the jurisdiction of this Local shall pay the same work assessment as the regular members of this Local may be required to pay but, they shall not be required to pay quarterly dues to this local unless and until required to join Local 195.

## **Section 7 Fines**

Fines shall be levied as set forth in this Constitution and By-Laws and shall be considered unpaid dues if uncollected thirty (30) days from the date of levy.

## **Article X Good Standing, Suspension and Expulsion**

Members in good standing of this Local shall enjoy all rights, privileges and benefits of this Constitution and By-Laws.

Failure on the part of any member to pay any financial obligations to this Local within thirty days after same became payable shall result in such member being automatically declared not in good standing. A member not in good standing shall be deprived of the right to hold office, to attend meetings and to vote. If such default continues for a period of more than six months from the date that the financial obligation first became payable, and should the member fail to pay up in full his/her indebtedness within ten days after written notice, by certified mail, to last known address, ( Postage cost will be considered a part of financial obligations owed when notifying delinquent members) of his/her default has been sent him/her, the member shall be deemed automatically expelled, unless, prior thereto, he/she has been granted an extension of time to pay, by vote of the membership.

The term in good standing as used in this Constitution and By-Laws shall be construed to mean that the member has fully complied with all his/her obligations to the Local, not only financial, but in all other regards.

Payment of any financial obligation due by a member of the Local shall be enforceable by fine, suspension or expulsion and, if necessary, by resort to court action. If court action is required, the delinquent member shall also be liable to the Local for reasonable legal fees and other expenses incurred by it in connection with the suit.

Members may be suspended as a result of disciplinary action or for failure to pay financial obligations to this local within 120 days of due date. Suspended members will be;

- 1) Considered “not in good standing”
- 2) Removed from any union sanctioned job.
- 3) Prohibited from holding office
- 4) Prohibited from attending meetings.
- 5) Responsible for payment of dues that become due during period of suspension.

Before such member is again considered “in good standing” all financial obligations shall be paid in full.

## **Article XI Impeachment of Officers**

### **Section 1 Grounds**

Any officer of this Local may be impeached for a violation of his or her official duties or for any infringement of the Constitution and By-Laws

### **Section 2 Charges**

All charges against an officer of this Local must be in writing in the form of a sworn affidavit reciting clearly



the offense charged, the name of the accused, the time, place and nature of the violation, the section or sections of this Constitution and By-Laws or of the Constitution and By-Laws of the International alleged to have been violated, over the signature of the accuser, together with a statement of the names of all witnesses to the offense who are known to the accuser, and must be filed within sixty days after the offense becomes known to the accused or reasonably should have been discovered.

### **Section 3 Penalty for Preferring False Charges**

If false charges shall be maliciously preferred against any officer, the person or persons preferring such charges shall be fined \$500.00, the fine to be imposed upon the acquittal of the accused officer, plus the expenses of the proceeding.

### **Section 4 Charges filed in Duplicate**

Charges shall be filed in duplicate but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.

### **Section 5 By whom and to Whom Preferred**

Charges against officers may be preferred by any member or officer of this Local. Charges shall be filed with the Secretary of this Local the Executive Board, with the exception of such members thereof as may be charged in said complaint, shall act as the trial body. However, those so empowered to act must constitute at least a majority of the Executive Board. If a majority of the Executive Board members have been charged, the charges may be filed with the International President

who shall be empowered in that event to appoint the members of a trial board who may be either members of this Local or any other local within the International.

### **Section 6 Validity of Charges**

The Secretary shall refer the charges to the Executive Board which shall have the power to declare such charges valid or not. If the charges are determined to be valid, the accused shall be temporarily suspended from office. The Executive Board shall in that event make suitable provisions for the efficient discharge of the duties of the accused during the suspension period. The accused officer shall be entitled to a trial no later than thirty days after the date of his or her suspension. If the Secretary is charged, the charges may be filed with any other officer of the Local not under charges.

### **Section 7 Withdrawal of Charges**

After charges have been preferred to the Executive Board, they shall not be withdrawn unless the officer accused and the Executive Board both shall consent to the withdrawal.

### **Section 8 Notice**

Within one week after the validity of the charges is acknowledged, the Executive Board shall serve upon the accused officer personally, or where this is impossible, by certified mail to his last known address, a duplicate copy of the charges and shall notify him of the time and place appointed for the hearing thereon.

## **Section 9 Continuance**

Should the accused be unable for proper cause to attend a hearing at the time and place designated, he/she shall, at the discretion of the Executive Board, and upon application, be granted a postponement or continuance to some place and date agreed upon.

## **Section 10 Appearance for Trial**

If the accused so desires, he/she may waive the right of appearing before the Executive Board, or he/she may designate a fellow member as counsel to appear for him/her and to conduct his /her defense, provided that such waive of appearance shall not be prejudicial to the accused, and that the trial shall, if he/she fails to appear, proceed in his absence.

## **Section 11 Trial**

The Executive Board shall sit as the trial body in all impeachment cases and shall conduct, at the hearing upon the charges, a thorough inquiry into the merits of the case, according to the complainant and the accused alike, and so provide a full and impartial hearing. In the conduct of such a trial, the provisions of Article XII, Sections 16, 17, 18, 19 and 20 of this Constitution shall be observed.

## **Section 12 Waiver of Trial**

If charges, as required by Section 2 hereof, have been filed, the accused may plead guilty and waive the holding of the trial provided he/she does so in a written, notarized and witnessed statement and has been advised

in writing as to the range of penalties that may be imposed upon him/her by reason of such plea. If the accused wishes to plead guilty with an explanation, such explanation shall also be in written form. An accused who pleads guilty to charges shall be deemed to have waived his/her right on any appeal to raise any question concerning his/her guilt or innocence, and his/her appeal, in that event, shall be limited to the question of the appropriateness of the penalty or penalties imposed upon him/her. No stenographic transcript or tape recording shall be required if a plea of guilty is entered in accordance herewith.

### **Section 13 Penalty**

The guilt or innocence of the accused shall be determined by a majority vote of the Executive Board. If the accused is found guilty as charged, it shall then become the duty of said Board to declare the office of the accused vacant and the successor of said officer shall be selected in a manner provided in this Constitution. The said accused shall, in addition, be subject to such discipline as the Executive Board may decide to impose upon him including expulsion, suspension and/or fine.

### **Section 14 Appeals**

Covered by Article XIII of these Constitution and By-Laws

# **Article XII Discipline of Members**

## **Section 1 Grounds**

In addition to the penalties expressly provided under the various sections of this Constitution and By-Laws, any member who shall breach his duty as a member by violation of the provisions of the Constitution and By-Laws of this Local or that of the International or by such conduct is detrimental to the advancement of the purposes which this Local or the International pursue, or as would reflect discreditably upon this Local or the International, shall be subject to discipline in the manner set forth in the sections following.

## **Section 2 Fair Trial**

Nothing in the provisions of this Constitution and By-Laws shall be construed to deprive a member charged with violation thereof of the right to a fair trial whereby his/her guilt or innocence may be determined, with the exception that a member who has defaulted in the payment of any dues, fees, fines or assessments lawfully imposed under this Constitution and By-Laws, shall not be entitled to stand trial, but shall be punished summarily as this Constitution and By-Laws provide.

## **Section 3 Charges**

a. All charges against a member for a violation of the provisions of this Constitution and By-Laws must be in writing in the form of a sworn affidavit reciting clearly the offenses charged, the name of the accused, the time, place and nature of the violation, and the section or

sections of this Constitution and By-Laws alleged to have been violated, over the signature of the accuser, together with a statement of the names of all witnesses to the offense charged who are known to the accuser.

b. Officers who are accused of a non-impeachable offense may be charged under this Article.

#### **Section 4 Penalty for Preferring False Charges**

If false charges shall be maliciously preferred against any member, the person or persons preferring such charges shall be fined \$500.00. The fine to be imposed upon the acquittal of the member accused, plus the expenses of the proceeding.

#### **Section 5 Charges Filed in Duplicate**

Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.

#### **Section 6 To Whom Preferred and When**

Charges shall be filed with the Secretary of this Local within sixty days after the offense becomes known to the person making the charge. If the Secretary of this Local is charged, the charges may be filed with any other officer of the Local not under charges.

#### **Section 7 Withdrawal of Charges**

After charges have been filed with the Secretary, they shall not be withdrawn unless the member accused shall consent to the withdrawal.

## **Section 8 Publication of Charges**

After the Executive Board has recognized the charges, they shall be read at the next regular meeting by the presiding officer. No debate or discussion shall be permitted, but the presiding officer shall request those having personal knowledge of any of the facts alleged in the charges to submit their names as witnesses to the Secretary at the meeting. The presiding officer shall refer the charges to the Executive Board for trial

If no regular membership meeting is scheduled within a period 30 days after the date cognizance of charges is taken, or if a meeting is scheduled but no quorum is present, the charges shall then be read by the presiding officer at the meeting of the executive board of the local, to be scheduled no later than 10 days after the end of such 30 day period.

## **Section 9 Waiver of Trial**

If charges as required by Section 3 hereof have been filed, the accused may plead guilty and waive the holding of the trial provided he/she does so in a written, notarized and witnessed statement, and has been advised in writing as to the range in penalties that may be imposed upon him/her by reason of such plea. If the accused wishes to plead guilty with an explanation, such explanation shall also be in written form. An accused who pleads guilty to charges shall be deemed to have waived his/her right on any appeal to raise any question concerning his/her guilt or innocence, and his/her appeal, in that event, shall be limited to the question of the appropriateness of the penalty or penalties imposed upon him/her.

## **Section 10 Notice**

Within one week after recognition of the charges, the Executive Board shall serve upon the accused personally, or where this is impossible, by registered mail to his/her last known address, a duplicate copy of the charges and shall notify him/her of the time and place appointed for the hearing thereon. Such notice shall be served upon or sent to the accused at least fifteen days prior to the date appointed for the hearing.

## **Section 11 Postponements**

Should the accused be unable for proper cause to attend the hearing at the time and place designated, he/she shall, at the discretion of the Executive Board, and upon application, be granted a postponement or continuance to some place and date agreed upon.

## **Section 12 Appearance for Trial**

If the accused so desires, he/she may waive the right of appearing before the Executive Board or committee for hearing upon the charges preferred against him/her, or may designate a fellow member as counsel to appear for him/her and conduct his/her defense, provided that such waiver of appearance shall not be prejudicial to the accused, and that the trial shall, if he/she fails to appear, proceed in his/her absence, the Board or committee hearing all evidence and basing its decision as to the guilt of the accused solely thereon.



### **Section 13 Trial Body**

The Executive Board or committee of the local union, as provided by its constitution or bylaws, shall sit as the trial body to hear all the evidence upon the charges, and to determine the guilt or innocence of the accused, and if the accused is found guilty, to make recommendations as to the penalty imposed.

### **Section 14 Challenges**

The accused shall have the privilege of challenging the right of any member of the Board, or committee to sit upon his/her case, and in the event of such challenge, the other members of the Board or committee shall pass upon its validity, sustaining it or overruling it.

### **Section 15 Trial in Open Meeting**

Where the accused shall be aggrieved by the ruling of the Board or committee upon his/her challenge of an individual member or members, or shall challenge the entire Board or committee for cause, he/she shall have the election to proceed before the Board or committee, waiving his/her challenge, or to demand a trial before members of the Local in open meeting. If he/she elects to be tried in the latter manner, the hearing shall be conducted in the manner set forth for trials before the Board or committee.

## **Section 16 Hearing**

The accused shall, at the hearing upon the charges, have the right to present his/her defense in full and to confront and question all witnesses and to examine all of the evidence of the case.

## **Section 17 Member counsel**

The accused shall have the right to be represented by counsel, who shall be a member of this Alliance in good standing..

## **Section 18 Witness Sworn**

Whenever the accused or the Executive Board or committee so request, the testimony of any witness must be taken under oath, to be administered by the Chairperson of the board or committee.

## **Section 19 Depositions**

If a witness is unable to attend the trial, a written deposition of his testimony shall be taken in the form of an affidavit, and such portions of it as are not denied by the accused shall be admitted as evidence.

## **Section 20 Transcript**

A written verbatim transcript of all testimony offered at the hearing shall be made by the Secretary. The Executive Board may elect to tape record the proceedings and, in that event, the tape must be fully and accurately transcribed in typewritten form in case of an appeal to the International President.

## **Section 21 Report of Findings**

The Executive Board or trial committee shall, after hearing all the evidence, render a written report of its findings as to the guilt or innocence of the accused and, if the accused be found guilty, the penalty to be imposed. A copy thereof shall be filed with the Secretary of the Local and a copy shall be served either personally or by certified mail on the accused within five working days. A copy of the transcript of the evidence and proceedings at the hearing shall be available for examination by the accused or his/her member counsel at the offices of the Local or, if so requested by the accused in writing, a copy thereof shall be furnished to the accused at his or her own expense. Immediately upon receipt of the transcript, the Local shall notify the accused in writing of its availability.

## **Section 22 Action by Membership of Local**

At the next membership meeting of the Local, but in no event sooner than twenty days from the date on which the accused has been notified of the availability of the transcript or media recording, the report of the Executive Board or trial committee shall be submitted to the membership for appropriate action as hereinafter provided. The transcript of the hearing shall not be read except upon motion duly seconded and carried by majority vote of the members present or, if so requested by the accused or, in any case under the circumstances referred to in Section 23 hereof.

## **Section 23 Acquittal or Conviction**

After submission of the report, the accused, if aggrieved by the decision of the Executive Board or trial committee, and any other member in attendance at the meeting, including members of the Executive Board, shall be afforded an opportunity to speak either in favor or against such decision. Upon completion of debate, the membership shall proceed to vote upon the findings of the Executive Board or trial committee as to the guilt or innocence of the accused. If a majority of the members present so vote, the findings of the Executive Board or trial committee shall be adopted. If the findings are not accepted, the transcript shall be read, unless this has been done before, and the question shall be put whether the accused shall be granted a trial by the membership or whether the membership shall proceed to ballot upon the guilt of the accused. If a majority of the members present vote for the latter procedure, a ballot shall be taken on the guilt of the accused, and if two-thirds of the members present shall vote contrary to the findings of the Executive Board or trial committee, the findings shall stand reversed, otherwise the findings shall be upheld.

## **Section 24 Imposition of Penalties**

If the accused be found guilty of an offense for which no specific penalty is fixed by the Constitution and By-Laws, the membership shall proceed to ballot upon the decision of the Executive Board or trial committee as to the penalty to be imposed. If a majority of the members present so vote, the penalty fixed by the Executive Board or trial committee shall be adopted. If a majority of the members present reject the penalty decided upon by the

Executive Board or trial committee, the membership shall then proceed to ballot upon the penalty to be imposed, the members voting to expel, suspend, fine and/or reprimand. An accused found guilty may also be assessed the costs of the trial.

When membership voting on the report of the Executive Board or trial committee is completed, available remedies within the Local shall be deemed exhausted.

### **Section 25 Where Trial Was Before Local**

Where the accused is tried before the Local as provided in Section 15 of this Article, the guilt or innocence of the accused shall be determined by majority vote of the members present, and the penalty shall be determined by majority vote of the members present, and the penalty shall be imposed as prescribed in Section 24 of this Article.

### **Section 26 Sentence Reported to International President**

A report of the sentence imposed upon an accused member shall be forwarded by the President of the Local to the President of the International for filing.

## **Article XIII Appeals**

### **Section 1. Right of Appeal**

Any member (after exhausting the appeal procedure provided within his local union) or any local union

aggrieved by the decision, rule, regulation, order, mandate, or act or omission of any officer, body or tribunal of this Alliance may appeal his or its case the following order: (1) from the decision, rule, regulation, order, mandate or act or omission, of the local union to the International President of this Alliance: (2) from the decision, rule, regulation, order, mandate or act or omission, of the International President to the General Executive Board; (3) from the decision, rule, regulation, order, mandate or act or omission, of the General Executive Board to this Alliance in Convention assembled, and the latter body shall be the tribunal of ultimate judgment. However, in the interim, the decision, rule, regulation, order, mandate, or act or omission, of any proper officer, body, or tribunal of this Alliance shall be enforced pending disposal of appeal: except that, in the discretion of the International President or of the tribunal from which or to which the appeal is taken, the effect of any such decision, rule, regulation, order, mandate or act of omission, may be stayed pending appeal. If the report of the Executive Board or Trial Committee of the local union is not submitted to and acted on by the membership within sixty (60) days from the date of the report, any party aggrieved may file an appeal with the International President. If served by dispensing with membership review, he shall entertain the appeal: otherwise, he shall remand the case to the local union with such directions as he may deem appropriate or require a review by the membership.

## **Section 2. Time Allowed for Filing**

Appeals from a lower to a high tribunal of this Alliance shall be cognizable only if filed within thirty (30) days after the decision. Appeals concerning nominations or elections must be made within fifteen (15) days.

### **Section 3. Must Be In Writing**

All appeals must be in writing, setting forth those facts which the appellant shall consider entitle him to a reversal of the ruling, and signed by the appellant and properly dated.

### **Section 4. Copy of Appeal**

When an appeal is taken, a copy of the appeal shall be filed with the lower tribunal. Within two weeks the lower tribunal shall forward to the tribunal to which the appeal is taken all the records in the case. If the appeal be from a decision rendered after trial on charges, this shall include the sworn charges, the transcript of testimony, or if a tape recording was made, the original unedited tape recording and a typewritten transcript thereof, the finds and sentence, and any additional matters of evidence on record. The correctness of the transcript, or of the tape recording and stenographic transcript thereof, and of the record as a whole shall be certified by the lower tribunal under the appropriate seal. The lower tribunal shall also answer the appeal, setting forth the reasons in support of its decision, and shall at the same time serve a copy of such answer by certified mail upon the appellant at the address specified by him in his appeal.

Decision of an appellate tribunal shall be based entirely upon the record as a whole and evidence not introduced before the tribunal of original jurisdiction shall not be permitted.

### **Section 5. Appeal to Convention**

If appeal be entered from the decision of the General Executive Board it shall be the duty of the General Secretary-Treasurer, upon the receipt of notice from the appellant, immediately to inform all interested parties that the case has been docketed for consideration by the Alliance in Convention assembled.

### **Section 6. Decisions Conclusive**

The members of this Alliance shall submit all their rights within the Alliance to the determination of its proper tribunals, and agree that the decisions of these tribunals shall be conclusive as to all rights and privileges accruing from membership.

### **Section 7. Exhausting Internal Remedies**

The members of this Alliance further consent to be disciplined in the manner provided by this Constitution and Bylaws.

Under no circumstances shall a member resort to the civil courts until all remedies and procedures herein provided shall have been exhausted.

### **Section 8. Appellate Process**

In order for an appeal to be cognizable by the International President, all remedies within the local union, including an appeal to the membership, must be exhausted. Appeals within Locals from the decision of an officer to the executive board and from the executive board to the membership must be made within thirty (30) days. Appeals concerning nominations or elections must be made within fifteen (15) days.

## **Article XIV Permanency**

This Local shall not dissolve itself as long as there are seven members opposed to its dissolution, nor shall this Article of the Constitution be subject to any alteration or amendment whatsoever.



## **Article XV Altering or Amending the Constitution**

Alterations or amendments to this Constitution shall be made in writing. Proposed changes will be sent to all members in good standing. A majority vote in writing shall be the only vehicle used to amend or alter the Constitution. No such alterations or amendments shall, however, be effective until endorsed by the President of the International.

### **BY-LAWS**

#### **Section 1 Dishonesty or Substance Abuse**

Any member dismissed from his/her position for dishonesty of drunkenness, upon being found guilty thereof, shall be fined no less than \$100.00.

#### **Section 2 Members of Committees**

Any member of a committee who shall refuse or neglect to perform his/her duty shall be removed by the chairman.

#### **Section 3 Summons**

Any member who is summoned to appear at a meeting of the membership, the Executive Board or a legally appointed committee of the Local and fails to appear, after receiving due notice of same, shall be penalized to such extent as the Local may see fit after fair trial.

#### **Section 4 Address of Members**

Any member, on changing his/her residence, phone numbers, E-mail, shall notify the Secretary immediately. Any notice sent to the last address as shown on the books of this Local shall be deemed legal and sufficient notice.

#### **Section 5 Donation of Services**

No member shall be permitted to donate his/her services gratis except by permission of the Business Representative under penalty of a fine.

#### **Section 6 Members Doubling Up**

Members desiring to double up or work two shifts on any job or jobs under the jurisdiction of the Local must obtain the consent of the Business Representative or be subject to charges.

#### **Section 7 Refusing to Cover Positions**

Any member who shall refuse to go, without a reasonable explanation, on a position after being instructed to do so by the Business Representative, shall have his/her name removed to the bottom of the Out of Work List.

#### **Section 8 Conduct Unbecoming a Member**

Conduct unbecoming a member or that which is contrary to trade unionism, or that which would bring discredit to this Local or the International, shall be an offense against this Local, and upon being found guilty thereof after trial, the offending member shall be liable to such penalty as the Local may see fit to impose.

### **Section 9 Work Call**

Members failing to report on time or not appearing at a work call as required, and not having a reasonable explanation for such an occurrence, shall be subject to a fine and/or suspension as the Executive Board may determine.

Any member so fined and/or suspended may appeal such disciplinary action to the Local, in meeting assembled, and that decision shall be final subject only to a future appeal and decision by the International President

### **Section 10 Leaving Position**

Any member leaving a position must notify his/her Business Representative and his/her employer at least two weeks in advance

### **Section 11 Meeting Attendance**

Unless sufficient reason is given for not attending, all members must attend, under penalty of disciplinary action, at least one regular meeting per quarter. Members who are working under a pink contract and are thereby supporting an event during the time a meeting is scheduled are excused from the above attendance requirement.

### **Section 12 Alteration of By-Laws**

No portion of these laws may be suspended, but may be amended or altered by a resolution approved by a majority of the members. Proposed changes will be sent to all members in good standing. A majority vote in writing shall be the only vehicle used to amend or alter these By-Laws. No such alterations or amendments shall, however, be effective until endorsed by the International President.

### **Section 13 Political Action Committee**

This committee (PAC) is formed in compliance with all relevant laws for the purpose of contributing funds for the endorsed candidates, political parties, charities or civic groups and for lobbying on issues necessary for the welfare of the union, as well as any other lawful activities.

### **Section 14 Reporting work to Business Representative**

Each member will notify the Business Representative of all work for which he/she has been hired if said work falls within the jurisdiction of this local. Report shall be made no later than completion of the first day's work. Failure to do so shall be summarily penalized by fines and/or suspension as determined by the Executive Board. Subsequent violations shall result in charges and penalties as the local may see fit under section 8 of these By-Laws.

# STANDING RULES

1. No business shall be taken up except in the order prescribed, unless on motion, such irregularities shall be sanctioned by a majority of the members present.
2. No motion shall be received or laid before this Union, unless moved by two members, nor open for discussion until stated by the presiding officer. When a question is before the Union no other motions shall be in order, except, first to adjourn; second, to lay on the table; third, the previous question; fourth, to postpone; fifth, to refer; sixth, to amend; which motions shall take precedence in the order in which they are arranged. The first three shall be decided without debate, unless it is proposed to postpone to a definite period, in which case it shall be debatable.
3. Resolutions, amendments to the Constitution and By-Laws and charges against officers and members, must in all cases be presented in writing; otherwise they shall not be considered.
4. The mover of any verbal proposition shall, upon the request of the chair, or two or more members, reduce it to writing.
5. Any member entitled to a vote may move for a division of the question when the sense of the same will admit it.
6. A motion to reconsider any former motion or vote shall only be made and seconded by members who voted in the majority.

7. When the reading of any paper is called for and objected to, this question shall be decided by vote.

8. A division of this Union shall be taken on any question, and recorded at the request of five members.

9. When members speak they shall rise and address the presiding officer, confining themselves strictly to the merits of the question under consideration. A member shall not be interrupted while speaking, unless by the presiding officer, who may call to order, or admonish to a closer adherence to the subject, and to avoid all personalities. Nor shall a member be allowed to speak more than twice on the same subject without the permission of the presiding officer. When two or more members rise at once the presiding officer shall decide who shall speak first.

10. On the call of five members for the previous question the President shall put it in this form: "shall the question be now put?" and until this is decided it shall preclude all amendments to the main question and further debate shall cease.

11. The officer or member presiding in the absence of the President shall for the time, possess all the powers and privileges vested in the President by the Constitution and By-Laws of this Union.

12. No subject of a partisan or religious nature shall at any time be admitted.

13. No person who is not a member shall be allowed at any of the meetings without the consent of the presiding officer.

14. In the absence of a standing rule to apply to questions before the Union, recourse shall be had to Roberts Rules of Order.

15. Questions of order shall be decided by the presiding officer, but in case of an appeal from his decision, the meeting shall determine without debate.

16. Refreshments, other than cold water, shall not be allowed in headquarters of this Union while the meeting is in session.

# **RULES OF ORDER**

## **Order of Business**

1. Opening of meeting.
2. Roll call of officers.
3. Reading of the minutes of the previous meeting.
4. Reading of communications and bills.
5. Proposition of candidates.
6. Reports of committees on candidates.
7. Balloting for candidates.
8. Obligation (Initiation) of candidates.
9. Reports of committees.
10. Unfinished business.
11. New business
12. Good and welfare.
13. Announcement of receipts of the meeting and Treasurer's Report.
14. Recess for payment of dues, etc.
15. Closing of the meeting