

000-216

SUGGESTED FORM

OF

LOCAL UNION CONSTITUTION AND BY - LAWS

(Under the provisions of the Labor-Management Reporting and Disclosure Act of 1959, Section 201 (a), every labor organization shall adopt a constitution and by-laws. This suggested form has been prepared in the light of that law.)

ARTICLE 1

FORMATION AND CONTINUITY OF THIS LOCAL UNION

Section 1 - Formation. This Local Union has been formed and exists as a

local union of United Textile Workers of America
INSERT FULL NAME OF INTERNATIONAL

AFL-CIO

(hereinafter referred to as "International") by virtue of a

charter issued to it by the International, and is and shall

be governed by all lawful provisions of the Constitution of

the International and by the provisions of this Local Consti-

tution and By-Laws.

Section 2 - Continuity of Local Union. This Local Union shall have no

power to withdraw or secede or disaffiliate from the Inter-

national or to disband or to dissolve if seven (7) members

or more shall desire to maintain and continue the Local Union

as an affiliate of the International.

ARTICLE 11

NAME, OBJECTS, JURISDICTION AND ELIGIBILITY

Section 1 - Name. The name of this Local Union shall be _____

INSERT

U.T.W.A Local No 520 AFL-CIO
NAME AND NUMBER OF THIS LOCAL UNION

hereinafter called the "Local".

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Section 2 - Objects, The objects of this Local shall be to organize all

workers in the Johnson + Johnson Warehouses AT
INSERT YOUR PARTICULAR INDUSTRY
510 E. KING ST, 510 E. HOUSTON ST, and 2721 FALLON Dr.
who may work in
INSERT GEOGRAPHICAL JURISDICTION

and who are eligible for membership in the union; to promote the economic, social and cultural interests and welfare of its members and the members of the International; to secure and preserve for them higher wages, shorter hours and improved working conditions; to aid and promote beneficial labor and social legislation and to assist any movement for the advancement of such state and federal legislation; to defend and extend their civil rights and civil liberties; to establish peaceful and harmonious relations between its members and their employers; to increase the stability of the industry and job security; to cultivate friendly relations among the members and a feeling of solidarity with the entire labor movement; to aid and assist worthy charitable and educational causes and organizations; to aid and assist in improving local community conditions.

(NOTE: Add here any additional purposes of a local nature which you consider are of sufficient importance to include in the declaration of the objects of your local union.)

This Local shall endeavor to accomplish the foregoing objects by educating its members to the necessity of participating in the affairs and operations of the Local and in the political life of the community, and by negotiating collective bargaining agreements with employers and by all other appropriate means within the International and consistent with its Constitution and Laws.

Section 3 - Jurisdiction. The jurisdiction of this Local shall embrace

all Johnson & Johnson warehouse workers.
INSERT DESCRIPTION OF WORKERS

workers in Sherman, Texas
INSERT GEOGRAPHICAL LIMITS OF JURISDICTION

Section 4 - Eligibility to Membership. Eligibility to membership in this Local shall be as set forth in the Constitution of the International.

Section 5 - Good Standing Membership. A member in good standing in this Local is one who has been admitted to membership as provided in the International Constitution and who has not voluntarily withdrawn from membership and has not been expelled or suspended from membership.

(NOTE: See Section 3 (o) of LMR and D Act, which defines "member in good standing".)

ARTICLE 111

HEADQUARTERS

Section 1 - Headquarters. The headquarters and main office of this Local shall be _____

~~SEE BOTTOM OF THE POST OFFICE ADDRESS~~

or such other place as may be designated by the local Executive Board.

(NOTE: You may substitute "or by the local membership".)

ARTICLE 1V

MEETINGS

Section 1 - Regular Meetings. This Local shall meet regularly on the

2nd Monday of each month,

(NOTE: You may provide any time for regular meetings provided meetings are held not less than every three (3) months.)

at the headquarters of the Local or at such other place as the

Local or the Local Executive Board shall decide. No notice of regular meetings held at the headquarters of the Local shall be required.

Section 2 - Special Meetings. At the direction of the Local Executive Board, or upon the written request of not less than 3 members, the President shall call special meetings of the Local upon written notice to the members in good standing. The notice of a special meeting shall specify the business to be brought before such special meeting and only the business so specified shall be considered and acted upon at the meeting.

Section 3 - Quorum. A quorum for the purpose of transacting any business by the Local shall consist of not less than 3 members present in person at any regular or special meeting. No action of any meeting shall be invalid for lack of a quorum, unless the question of lack of a quorum was raised before such action was taken. A meeting may transact any and all business coming before it, without prior notice of the business to be transacted at such meeting, except as otherwise specifically provided in these By-Laws. Unless otherwise specifically provided by these By-Laws, all decisions of a Local meeting shall be by majority vote of the members voting. There shall be no proxy voting.

Section 4 - Rules of Order. Unless otherwise provided in this Constitution and By-Laws, all Local Union meetings and all meetings of the Local Executive Board shall be conducted in accordance with Robert's Rules of Order, which are herein incorporated by reference as though written out in full.

(NOTE: The "Bill of Rights" of the Labor-Management Reporting and Disclosure Act, 1959, Guarantees equality among members in the enjoyment of certain rights; (1) to nominate candidates; (2) to vote; (3) to attend

meetings; and (4) to participate in the deliberations and voting upon the business of such meetings; and also to express at meetings views upon candidates and upon any business properly before the meeting, subject to reasonable rules and regulations in the organization's constitution and by-laws. See Sec. 101 (a) (1) and (2) of that Act. It is believed that Robert's Rules of Order are reasonable.)

ARTICLE V

OFFICERS

Section 1 - Local Union Officers. The officers of this Local shall be a (President, Vice-President) a (Recording ~~Treasurer~~, Financial Secretary, ~~And~~ Treasurer) three (3) trustees and the members of the Executive Board.

(NOTE: You may have additional officers, such as more than one Vice-President, a Sergeant-at-Arms, Business Agent, Chairman of Grievance Committee; or you may substitute Chairman and Vice-Chairman for President and Vice-President; you may combine the offices of Financial Secretary and Treasurer into one office of Secretary-Treasurer. If you provide for additional officers, describe their duties in Article VIII of this Constitution.)

Section 2 - Eligibility. Every member in good standing, except foremen and foreladies, who has maintained membership in good standing in this Local continuously for a period of at least nine (9) months and in the International for at least twelve (12) months immediately preceding nomination, shall be eligible to hold office or to be a convention delegate in this Local, provided he is not otherwise disqualified by the provisions of the International Constitution or by the provisions of applicable law.

(NOTE: See Section 504 of the Labor-Management Reporting and Disclosure Act of 1959, which prohibits certain classes of persons from serving as officers, trustees, executive board members, business agents, organizers, etc., and which makes it a federal crime for a labor organization or its officers to permit any person to assume or hold office in violation of that section.)

Section 3 - Term of Office. The term of office for the officers in this Local shall be two years, commencing with their installation and terminating when their successors are duly elected and installed. Installation of officers shall take place not later than one month after the election.

Section 4 - Vacancies. In the event a vacancy occurs in any office of the Local, the Local Executive Board may appoint any member in good standing of this Local who is not ineligible under Section 2 of this Article, to fill the vacancy for the unexpired term, except that if the vacancy occurs in the office of President, the Vice-President shall immediately fill the vacancy for the unexpired term and the Executive Board shall fill the vacancy in the office of Vice-President as above provided.

(NOTE: You may provide as an alternative for a special election upon notice and by secret ballot to fill the vacancy.)

ARTICLE VI

LOCAL EXECUTIVE BOARD

Section 1 - Composition. There shall be an Executive Board consisting of all of the officers and 3 Trustees members. The members of the Executive Board who are not officers shall be nominated and elected in the same manner and at the same time, and shall serve for the same terms as the officers. Vacancies shall be filled in the manner provided in Article V, Section 4.

(NOTE: Consult the International Constitution for the required minimum number of members of the Local Executive Board.)

Section 2 - Quorum. A majority of the members of the Executive Board shall constitute a quorum for the transaction of its business.

Section 3 - Meetings. The Executive Board shall meet regularly at least

once a month at such time and place as it shall determine. It shall meet at such other times as the Executive Board or the President may determine, provided that advance notice of such meeting is given to the members of the Executive Board.

Section 4 - Duties and Powers of the Executive Board. The Executive Board

shall be the highest governing authority of the Local between meetings of the Local and shall exercise general supervision over its business and affairs in accordance with the International Constitution and this Constitution and By-Laws. It shall have the power, for the effectuation of any of the objects and purposes of the Local or International: (a) to manage, invest and expend Local Union funds and to direct the use of the property of the Local; (b) to borrow money and to pledge any property or security of the Local as security therefor; (c) to buy, sell, exchange, rent, lease or otherwise acquire or dispose of real or personal property; (d) to make such contributions, loans or donations to charitable, educational or other organizations as the Executive Board shall deem to be worthy; (e) to fix the salaries, if any, of the elective officers and of such employees of the Local as it may deem necessary to assist the officers in the performance of their duties; (f) to levy Local assessments as hereinafter provided in Article 1X, Section 5.

The Executive Board shall have all such powers as may be necessary and appropriate to effectuate the purposes of the International and the Local. It shall present a report of its activities to each meeting of the Local. Except as otherwise provided in these By-Laws, all acts and decisions of the Executive Board shall be subject to ratification by the membership.

It shall be the duty of the Executive Board to execute faithfully the provisions of the International Constitution and the Constitution and By-Laws of this Local and the laws, rules and regulations promulgated thereunder; to preserve, promote and safeguard the best interests and general welfare of the members of this Local and the International and to take any and all lawful actions to fulfill the objectives of the Union. It shall have the power to adopt such rules and regulations and to adopt such resolutions, not in conflict with the International Constitution and this Constitution and By-Laws, as it may deem necessary and advisable to carry out the objects and purposes of the Union.

(NOTE: See Section 501 of the Federal LMRD Act, 1959, and, in the case of New York locals, Labor and Management Improper Practices Act, Section 723 (g) of New York.)

ARTICLE VII

NOMINATIONS AND ELECTIONS

Section 1 - Nominations. a) Nominations for officers and other elective positions, other than Convention delegates, shall take place at the regular meeting of the membership in JANUARY MONTH and may be made only by members in good standing.

(NOTE: The local constitution may provide that nominations may be made in some other month or by some other appropriate method, so long as the members in good standing shall have equal right to nominate. The by-laws may not impose such restrictions on the right to nominate candidates which will defeat the equality to nominate candidates. Sec. 101 (a) of Federal LMRD Act, 1959.)

b) Delegates to the International Convention shall be nominated and then elected by majority vote of the members in good standing voting at a special meeting called for that purpose

at least thirty days preceding the Convention. The provisions of Article V, Section 2, concerning eligibility shall apply to delegates.

(NOTE: See Section 401 (a) of Labor-Management Reporting and Disclosure Act, which permits international unions to elect officers at conventions by the delegates only if the delegates themselves have been elected by secret ballot.)

Section 2 - Elections. a) The election of officers and other elective positions, other than Convention delegates, shall take place at the regular membership meeting in January.

(NOTE: You may select some other month; you may nominate and elect at the same meeting; you may provide for election by secret ballot referendum.)

b) The officers of this Local shall be elected every two years by secret ballot among the members in good standing.

c) Not less than fifteen (15) days prior to the election, notice thereof shall be mailed to each member in good standing at his last known home address.

(NOTE: See Section 401 (e) of LMRD Act.)

d) There shall be no write-in candidates.

e) There shall be no proxy voting nor absentee voting.

(NOTE: See Section 3 (k) of LMRD Act.)

f) There shall be no election by acclamation.

(NOTE: See Section 401 (b) of LMRD Act.)

g) All Local Union officers shall be elected by a majority of all votes cast.

h) Where one candidate must be elected and no candidate shall have received a majority, a runoff ballot shall be conducted between the two candidates who received the highest number of votes.

Where more than one candidate must be elected such as three Trustees and members of the Executive Board and none or only some of the candidates shall have received a majority vote, a run-off (or run-offs, if more than one shall be necessary) shall be conducted between those who received the highest number of votes cast for such offices and the number of such candidates in the run-off shall be not more than twice the number of the unfilled offices.

i) Any candidate for office shall have the right to have an observer at the polls and at the counting of the ballots.

(NOTE: See Section 401 (c) of the LMRD Act 1959.)

j) The Financial Secretary of the Local shall maintain a list at the headquarters of the Local of the names and last known addresses of all members of the Local Union and each bona-fide candidate for Local Union office shall have the right once within thirty (30) days prior to the election to inspect that list, but shall have no right to copy that list.

k) Prior to any election, the President shall appoint an Election Committee of three (3) members in good standing, which shall provide, in addition to the provisions of this Article, adequate safeguards to insure a fair election. All election complaints shall be submitted in writing to the Election Committee prior to the announcement of the results and the decision of the Election Committee thereon shall be final and binding. A new election may be ordered only if the Election Committee shall determine that the matter complained of might reasonably have changed the election result.

l) The Financial Secretary of the Local shall preserve for one year the ballots and all other records pertaining to the election of Local Union officers.

ARTICLE VIII

DUTIES OF LOCAL UNION OFFICERS

Section 1 - Duties of President. It shall be the duty of the President of the Local to conduct the meetings of the Local and of the Executive Board; to preserve order at the meetings; to sign all official documents; to appoint all committees not otherwise provided for subject to the disapproval of the membership meeting; to decide all questions of order at meetings subject to appeal to the membership meeting; enforce the provisions of the Constitution of the International and of this Local, as well as all duly adopted rules, resolutions and regulations.

He shall be ex-officio member of all special and standing committees. He shall perform all other duties which may by right pertain to his office. He shall countersign all checks drawn on the bank account or accounts of the Local by the Treasurer. He shall have the right to speak on all questions by vacating the Chair and he shall have the right to vote whenever there is an equal division and in all elections.

(NOTE: You may add other duties which you deem necessary or advisable in accordance with the needs of your Local.)

Section 2 - Duties of Vice-President. The Vice-President shall perform all the duties of the President in his absence and shall take the Chair whenever requested to do so by the President. In case of a vacancy in the office of President, he shall assume the office of President for the unexpired term. He shall instruct all new members of the ideals, objects and operations of the Local Union and impart such other information as may be helpful to them.

(NOTE: You may vary these duties as you deem advisable.)

Section 3 - Duties of Recording Secretary. It shall be the duty of the Recording Secretary to keep a correct record of the proceedings of all Local Union and Executive Board meetings.

Section 4 - Duties of Financial Secretary-Treasurer.

(NOTE: It is assumed that the Local will desire to combine the duties and functions of the Financial Secretary and the Treasurer and therefore the combined duties are set forth. If the Local desires to keep the two offices separate, then instead of this Section 4, insert separate sections describing the duties of each office.)

It shall be the duty of the Financial Secretary-Treasurer:

a) To perform all duties and functions assigned to him by the provisions of the International Constitution, and to perform such other duties as may be assigned to him by the Local Executive Board;

b) To receive all monies coming into the Local Union, including all dues, initiation fees, fines, assessments and other income, and to deposit same promptly in a bank designated by the Executive Board in the name of the Local;

c) To keep the Seal of this Local and to affix same, if such is required, to all official documents of the Local;

d) To keep a correct account of all the income and expenditures of the Local and all of the books and records of the Local, including vouchers, worksheets and receipts, and make them available for audit when directed to do so by the Executive Board, the Local meeting or the International;

e) To keep a correct current list of the members showing their last known home addresses, their standing in the Local and in their dues, assessments and fines;

f) To keep a record of all rejected applicants and of members suspended and expelled;

g) To forward to the General Secretary-Treasurer of the International all reports and all forms that may be required by him and all applications for membership;

h) To sign all checks together with the President;

i) To make a financial report at each regular membership meeting;

j) To issue transfer and withdrawal cards pursuant to the provisions of the International Constitution;

k) To turn over all books, records, seal and other property of the Local in his custody to his successor.

Section 5 - Duties of the Trustees. The Trustees shall constitute the Finance Committee of the Local. They shall audit the financial books and records of the Local at least once every six months and report to the membership. With the consent of the Executive Board, they may employ a certified public accountant to audit annually the books and records of the Local, in which event the report of the audit by the accountant shall be submitted to the Executive Board.

Section 6 - General Duties of Officers. All officers, holders of elected office and employees of this Local Union shall carry out the provisions of the International Constitution and this Local Constitution and the decisions or rules of the International Executive Board or of the International executive officers made within the scope of their powers, and shall perform such other duties as the Local Union and the Local Executive Board may prescribe.

Section 7 - Bonding. Every officer, agent, shop steward, employee or other representative of the Local Union who handles funds or other property of the Local shall be bonded as required by law. The amount of the bond shall be fixed by the Executive Board and the premium

charges shall be paid by the Local. Such bonds shall be procured through the General Secretary-Treasurer of the International. Any person who is not covered by such bond shall not receive, handle, disburse or otherwise exercise custody or control of the funds or other property of this Local.

(NOTE: See Section 502 of LMRD Act.)

ARTICLE 1X

DUES, INITIATION FEES AND ASSESSMENTS

Section 1 - Initiation Fees. The initiation fee for members shall be \$ as set. Forth
in INT'L. Consttution

(NOTE: See provisions of the International Constitution for controlling provisions.)

Section 2 - Dues. The dues of each member of this Local shall be \$ 9
per month, payable in advance.

Any member who is one (1) month or more in arrears in the payment of dues shall be automatically suspended and not in good standing and any member who is three (3) months or more in arrears in the payment of dues shall be subject, upon written notice, to summary expulsion by the Executive Board without charges or hearing.

(NOTE: See Section 101 (g) of LMRD Act which permits automatic suspension and expulsion without charges and hearing only in cases of non-payment of dues. Under Section 3 (o) of that law, a member is in good standing unless suspended or expelled.)

Section 3 - Dues Book. Each member shall be furnished by the Financial Secretary-Treasurer with a dues book in which all dues and assessments shall be entered. The dues book shall always remain the property of the Local and shall be delivered by the member to the Local upon the request of any of its authorized officers.

Section 4 - Readmission of Expelled Members. Unless exception is made by the General Executive Board of the International, a member who has been suspended or expelled under Section 2 of this Article or otherwise under this Constitution, may be readmitted as a new member only upon the approval of the Executive Board of this Local and upon payment of the regular initiation fee and such other sums as may be due by him to the Local.

Section 5 - Local Assessments and Dues Increase. The Local Executive Board of this Local shall have the power to levy a per capita assessment, in addition to dues, upon the members of this Local, or to increase dues, provided the General Executive Board of the International has approved, and provided further that the amount, method of payment and duration thereof shall have been approved by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

(NOTE: See Section 101 (3) (A) of LMRD Act,
and the International Constitution.)

ARTICLE X

TRANSFER AND WITHDRAWALS

Section 1 - The provisions of the International Constitution shall govern transfers and withdrawals.

ARTICLE XI

PROPERTY

Section 1 - No property of the Local, and no property in the possession, custody or control of this Local or any of its officers, and no

property held in trust, express or implied, which was created or established by this Local Union and whose primary purpose is to provide benefits for the members of the Local or their beneficiaries, shall be given, contributed or donated, either directly or indirectly, to aid or assist, or expended in behalf of, any seceding, dual or antagonistic labor organization, nor to any local union which is in violation of the Constitution of the International.

(NOTE: See Sections 3 (1) and Section 208 and Section 502 of LMRD Act.)

ARTICLE XII

INTERNATIONAL CONSTITUTION AND AGENCY

Section 1 - All the lawful terms and provisions of the International Constitution shall be deemed incorporated herein by reference and be a part hereof as though set forth in full herein. In the event of any conflict between the provisions of this Constitution and the lawful provisions of the International Constitution, the provisions of the International Constitution shall be controlling.

Section 2 - Neither this Local, nor any of its officers, has any power to make any contract or agreement nor to incur any liability which shall be binding upon the International without the written consent of a General Officer of the International. Neither this Local nor any of its officers has been authorized or empowered to act as agent of the International and shall not be deemed an agent of the International unless expressly authorized in writing by a General Officer of the International to act in that capacity.

Section 3 - No agreement shall be binding upon this Local unless executed and delivered by its duly authorized officers.

ARTICLE X111

DISCIPLINE, HEARINGS AND APPEALS

- Section 1 - Definition of Discipline. The term "discipline", when used herein, shall include, but without limitation, censure, fine, suspension, expulsion or removal from office.
- Section 2 - Due Process. Except for non-payment of dues, no member may be fined, suspended, expelled or otherwise disciplined by this Local unless such member has been (A) served with written charges setting forth with sufficient particularity the basis of charge or charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing; provided, however, that the foregoing provisions of this section shall not apply to suspension of a member's status as an officer in the Local.
- Section 3 - Pre-Hearing Removal of Elected Officers. The Local Executive Board shall have power to remove summarily an elected officer guilty of serious misconduct, or of such act or acts deemed by it to be detrimental to the best interests of the Local or the International, from office pending a hearing upon written charges served upon him which hearing shall take place within a reasonable time (not less than seven (7) days) after the removal. Such pre-hearing removal from office shall not be subject to the approval of the membership.

(NOTE: The "Statement of the Managers on the Part of the House", which is an explanation of certain parts of the law, pointed out that the due process requirements of the law do not apply to suspension from office, but only to suspension of membership. Note also that under Section 401 (h), unless the constitution provides "an adequate procedure for the removal of an elected officer guilty of serious misconduct", the Secretary of Labor may, upon application of any member, institute proceedings to remove such officer.)

Section 4 - Offenses. A member may be disciplined as herein provided for the following reasons:

- a) For making false statements on his application for membership;
- b) For misappropriating or attempting to misappropriate money or property of the International or of the Local;
- c) For failure to pay a fine imposed by the Local or by the General Executive Board of the International;

(NOTE: No fines may be imposed except for non-payment of dues without due process.)

- d) For failure to comply with any order or decision of the Local or the International within the time (if any) provided in such order or decision;
- e) For working as a strike breaker; or violating the standards as to wages, hours or conditions of employment established by the Local;
- f) For any action or conduct detrimental to the best interests of the International or its subordinate bodies or this Local;
- g) For any action or conduct which interferes with the performance by the International or this Local of its legal or contractual obligations;

(NOTE: See Section 101 (2) of LMRD Act.)

- h) For slandering or libeling the International, its subordinate bodies or this Local, or any of their respective officers, representatives or agents; provided, however, that this shall

not be construed as a prohibition upon the right of any member to express any non-defamatory views, arguments or opinions;

(NOTE: See Section 101 (2) of LMRD Act.)

- i) For entering into an individual contract of employment with an employer or depositing security with an employer;
- j) For instituting an action in any court, or in any proceeding before any administrative agency to redress any alleged wrong done to him by the Local or by any of its officers, agents, or employees, before exhausting all hearing procedures guaranteed to him or her by this Constitution; provided, however, that this sub-section j) shall not apply if the member has proceeded in good faith to seek relief within the internal tribunals of the Local for a period of not less than four (4) months after the alleged wrong occurred;

(NOTE: See Section 101 (4) of LMRD Act.)

- k) For violating any provision of the International or Local Constitutions;
- l) For holding membership in any dual, opposition or seceding union or for seeking to destroy or impair the effectiveness or existence of the International or this Local as institutions;

(NOTE: See Section 101 (2) of LMRD Act.)

- m) For interfering with the right of members to cast their ballots in any election of officers or delegates;

- n) For using force, violence or intimidation or threats thereof to interfere with/or obstruct meetings of the Local or its Executive Board or its committees; or for disorderly behavior which interferes with or obstructs the conduct of meetings;
- o) For non-payment of dues or assessments;
- p) For any action or conduct unbecoming to a member of this Local which arises out of or in connection with membership in the Local or employment within the jurisdiction of the International.

(NOTE: Bearing in mind the provisions of Section 609 of the LMRD Act, which protects against discipline any member who exercises any right to which he is entitled under the Act, you may enlarge the list of offenses to include other offenses. Note further that the so-called bill of rights in Section 101 (a) (1) and (2) of the Act, is subject to "reasonable rules and regulations contained in the constitution and by-laws".)

Section 5 - All charges shall be in writing and shall be filed with the Financial Secretary of the Local, who shall promptly transmit by mail a copy of such charges to the accused at his last known home address and to the General Secretary-Treasurer of the International.

Section 6 - The accused shall be given written notice of the time and place of the hearing on the charges, which shall take place within such time as will afford to the accused a reasonable time to prepare his defense, but not later than one (1) month after receipt of the charges, unless for good cause the Executive Board shall extend the time.

(NOTE: See Section 101 (a) (5) of the LMRD Act.)

- Section 7 - The hearing shall be held by the Local Executive Board or a subdivision thereof appointed by the Executive Board, in which event the subdivision shall report its findings and its recommendations, if any, to the Executive Board for decision.
- Section 8 - The accused shall be afforded a full and fair hearing. He shall have the right to be represented by a member in good standing at the hearing (or by legal counsel, should he so desire); to be confronted by the accuser; to question all witnesses who may testify against him and to present such relevant evidence in his defense as he may deem necessary. The hearing body shall have the right to receive any testimony which it deems necessary and relevant, whether same be hearsay or not, and shall have power to control the conduct of the hearing and the manner of the presentation of evidence. The hearing body shall make a sufficient record of its proceedings to show the essential facts presented, but need not keep stenographic minutes.
- Section 9 - The hearing body shall have the right to proceed with the hearing notwithstanding the failure of the accused to appear at the hearing pursuant to the notice of the hearing, and the decision of the Executive Board in such cases shall be final and binding.
- Section 10 - The decision of the Local Executive Board shall be binding as soon as it is rendered until reversed by a higher tribunal; provided, however, that the higher appeal body may, in its discretion, stay the decision pending the appeal under such terms and conditions as it shall deem appropriate.
- Section 11 - Except as otherwise provided in case of discipline for non-payment of dues, any member aggrieved by the decision of the Local Executive

Board shall have the right to appeal to the Local membership meeting. Such appeal shall be in writing and shall contain a brief statement of the facts and the grounds for the appeal. Such appeal must be filed with the Financial Secretary within five (5) days after the decision is rendered. Such appeal shall be considered at the next regular meeting.

Section 12 - Any member aggrieved by the decision of the Local at the membership meeting shall have the right to appeal to the General Executive Board and from its decision to the next Convention. Notice of such appeals shall also be in writing and shall briefly set forth the facts and the grounds for the appeal; and shall be filed with the General Secretary-Treasurer of the International within thirty (30) days of the decision appealed from. Any appellate body may reverse, affirm or modify the decision appealed from.

ARTICLE XLV

REPRESENTATIVE CAPACITY OF THE LOCAL

Section 1 - The Local shall be the exclusive representative of each member of the Local for the purpose of collective bargaining agreements with employers; and it is irrevocably authorized and empowered by each member to present, negotiate and settle any and all grievances, complaints and disputes arising out of the relationship between the member and his employer, in such manner as it deems, within its discretion, to be in the best interests of the Local. The Local and its officers may decline to process

any such grievance, complaint or dispute if, in their sole discretion and judgment, such grievance, complaint or dispute lacks merit.

ARTICLE XV

RULES OF ORDER

Section 1 - Order of Business.

- (1) Calling of meeting to order.
- (2) Roll call of officers.
- (3) Reading the minutes of previous meeting.
- (4) Admission and initiation of new members.
- (5) Communications and bills.
- (6) Reports of committees.
- (7) Reports of officers
- (8) Unfinished business.
- (9) Election and installation of officers.
- (10) New business.
- (11) Good and welfare of the Local.
- (12) Adjournment.

Section 2 - Parliamentary Rules. The following parliamentary rules shall supersede any inconsistent rule contained in Robert's Rules of Order:

Rule 1. On motion, the regular order of business may be suspended by a majority vote of the members present.

Rule 2. A motion to be entertained by the Chairman must be seconded and then put before the house.

Rule 3. Any member having made a motion can withdraw it by consent of his second, but a motion once debated cannot be withdrawn except by a majority vote.

Rule 4. When a member wishes the floor he shall rise and ask for the privilege and when granted by the Chair he shall be entitled to the floor.

If two or more members rise to speak at the same time, the Chair shall decide as to who shall speak first.

Rule. 5. No member shall speak more than once on any subject until all members desiring the floor have spoken, and not more than twice, unless by special privilege.

Rule 6. A member using improper language shall at once be called to order by the Chair. When he repeats it again he shall lose his privilege of the floor for that meeting. The third time the Chair calls him to order and is not obeyed the member in question shall be made to leave the hall. However, every member shall have the right to appeal to the meeting, and when the meeting decides against the member the said member may be excluded from the meeting.

(NOTE: Section 101 (a) (1) LMRD Act protects right "to attend membership meetings" subject to reasonable rules.)

Rule 7. No member shall interrupt another while speaking, except on a point of order; he shall definitely state the point and the Chair shall decide the same without debate.

Rule 8. If a member, while speaking, be called to order, he shall take his seat until the point of order is decided by the Chair and then, if decided in order, he may proceed.

Rule 10. When an appeal is made from the decision of the Chair, the Chairman shall state his decision and the reason therefor. The member making the appeal shall then briefly state the

grounds for appeal; the question shall then be put thus:

"Shall the decision of the Chair be sustained as the decision of the Local?" whereupon the Local shall proceed to vote on the appeal without further debate.

Rule 11. The Chairman shall not speak on any subject unless he retires from the Chair, except on point of order and appeals from his decisions, and in case of a tie vote he shall cast the deciding vote.

Rule 12. When a question is before the meeting no motion shall be in order except (1) to adjourn; (2) to lay on the table; (3) for the previous question; (4) to close the debate; (5) to close the list of speakers; (6) to postpone for a given or indefinite time; (7) to refer; (8) to reject; (9) to amend. These motions shall have precedence in the order herein named, the first five (5) to be voted without debate.

Rule 13. The call for the previous question may be made by any six (6) members; and shall be put by the Chair in this form: "Shall the main question now be put?" If this is carried all further motions, amendments and debates shall be excluded and the main question put for a vote.

Rule 14. A motion to close the list of speakers can be made at any time by any member when no one is on the floor. A motion to close the debate can be made at any time when no one is on the floor by the member who is next on the list of speakers. When the motion to close the debate is carried, then the Chairman shall at once proceed to put to a vote the motion before the house with all the amendments relating thereto without any further debate.

Rule 15. When a motion is made to close the list of speakers

the Chairman, after announcing the names still on the list, shall put the motion to a vote and when the motion is carried all those on the list shall be given the floor, each in his turn, until the end, except when another motion is made to close the debate.

Rule 16. When a motion is decided by a vote of the house then a member who voted with the majority can make a motion that the same be reconsidered at the same or next meeting.

Rule 17. When in the opinion of those present at the meeting a certain subject before the house occupies too much time, any member may move to limit the time of speakers.

ARTICLE XVI

AMENDMENTS

Any provision of this Constitution and By-Laws may be modified, amended or repealed, or a new Constitution and By-Laws may be adopted, by the affirmative vote of (██████████) (two-third)* of the members voting on the question, at a regular meeting, or a special meeting called for that purpose, provided, however, that notice of the proposed amendment, modification or repeal has been given to the members at the previous regular meeting. This Local has no power to modify, amend or repeal any of the terms and provisions of the Constitution of the International.

(*NOTE: Strike out one of the two alternatives)