



Constitution and By-Laws

Of

Theatrical Drivers and Helpers Union Local 817

**An Affiliate of the
International Brotherhood of Teamsters**

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International Brotherhood of Teamsters

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Article I

General

Section 1.01 Status and Name. This Local Union shall continue in existence as an unincorporated association under the laws of the State of New York, and shall be known as Theatrical, Radio, Television, Field Equipment, Sound Trucks, Motion Picture, Film Exhibition and Orchestra Chauffeurs and Helpers New York and Vicinity, New York: and the Movie Production Industry, including Commercials, TV and Videos in the jurisdiction of the Joint Council 53 in the Tri-State Area (Pennsylvania, Southern New Jersey and Delaware), Teamsters Local 817.

Section 1.02 Office. Principle office of this Local Union shall be maintained in the town of Great Neck, County of Nassau, State of New York. The Executive Board may establish and maintain additional offices at other locations.

Article II

Objects

Section 2.01 Objects. It is recognized that the problems with which this labor organization is accustomed to deal with are not limited to unionism or to organization and collective bargaining alone, but encompasses a broad spectrum of economic and social objectives as set forth above and as the union may determine from time to time. This Local Union subscribes to the foregoing declaration and includes among its objects the following:

- (a) To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age, physical disability, sex, or sexual orientation;
- (b) To organize unorganized workers and to provide services for organized workers;
- (c) To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through advancement of our standing in the community and in the labor movement through legal and economic means, and other lawful methods;
- (d) To establish and maintain educational and welfare and pension programs for employees and their families and dependents, and for officers and employees of the union and their families and dependents;
- (e) To safeguard, advance, and promote the principle of free collective bargaining, the rights of workers, and the security and welfare of all the people by political, educational and other community activity;
- (f) To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly;
- (g) To provide financial and moral assistance to other labor organizations and/or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;
- (h) To provide financial and other assistance to community projects and activities and to charities and other worthy causes;
- (i) To establish, maintain and support public organizations and media helpful to the labor movement;
- (j) To promote sound trade union principles;

- (k) To enlighten employees, employers, and the general public with respect to the purpose and necessity of the trade union movements;
- (l) To engage in organizing workers to provide the benefit of unionism to all workers and to protect and preserve the benefits obtained for members of this organization;
- (m) To establish and maintain job security for employees;
- (n) To participate in and support political activities and political candidates wherever it may be helpful to the trade union movement;
- (o) To protect and preserve the Union as an institution and to enable it to perform its legal and contractual obligations;
- (p) To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in the Constitution and By-Laws and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly;
- (q) Any and all other objects approved by the Executive Board or by the membership;
- (r) To do all things and employ all lawful means that are necessary and proper to achieve the foregoing objects;

Article III Jurisdiction

Section 3.01 Jurisdiction. This Union shall have jurisdiction over all employees, without limitation, subject only to such conditions, restrictions or limitations as may be imposed by the International Constitution or proceedings duly conducted thereunder.

Article IV Eligibility for Membership

Section 4.01 Eligibility. Subject to the specific conditions hereinafter stated, any person of good moral character employed or who works in the craft or employment over which this local has jurisdiction or who has been hired full time by an employer who has entered in a collective bargaining agreement with the union shall be eligible for membership.

Section 4.02 Conditions. No person shall be eligible for membership in this Local Union if;

- (a) There is reason to believe that he/she may fail to recognize a responsibility to this Local Union or trade union movement, or that he may so conduct himself as to interfere with legal or contractual obligations of this Local Union;
- (b) He/she refuses to obligate himself promptly to pay lawful dues, assessments, and other financial obligations required of all members;
- (c) He/she refuses to pay initiation fee or reinstatement fee;
- (d) There is reason to believe that he/she may not abide by the Constitution, By-Laws, rules, regulations and resolutions of this Local Union.

Section 4.03 Formal Requirements. An eligible applicant shall be considered a member when he meets all of the following requirements:

- (a) He/she shall have executed a written application for membership on a form provided by the Secretary-Treasurer. Any misrepresentation on the application shall be grounds for loss of membership;
- (b) He/she shall have tendered the initiation fees and one month's dues by cash or on written authorization of checkoff: Provided that, the Executive Board may permit installment payments of initiation fees and determine when eligibility is established;
- (c) The Local Union shall have accepted his/her application and dues.

Section 4.04 Owners-Drivers. Any person who owns or leases vehicles that are covered by the scope clause of the Unions Collective Bargaining Agreement is not eligible for membership. Singularly owned or leased cars and vans are exempted from this section.

Section 4.05 Employers. Owners and managers of companies engaged in a collective bargaining agreement with the Local Union are not eligible for membership.

Article V Officers and Business Representatives

Section 5.01 Officers. The officers of this Local Union shall consist of the President, Vice President, Secretary-Treasurer, Recording-Secretary and three (3) Trustees. Except as otherwise provided by the Executive Board, no other person is authorized to perform the functions of said offices, except as an administrative or clerical assistant working under the direct supervision and control of the officers, nor is any person authorized to perform any of the functions of this Local Union. In no event shall checks be signed by anyone other than an authorized officer. These officers shall constitute the Executive Board of the Union. The term of office of all officers shall commence on the first of January of the year following the election.

Section 5.02 Term of Office. The Term of office for all officers and Business Representatives shall be for three (3) years. All officers shall serve for such term or terms for which they have been elected unless removed for incompetence, neglect of duty, or dishonesty, in accordance with the procedures prescribed herein.

Article VI Duties of Officers and Business Representatives

Section 6.01 Duties of the President.

- (a) The President shall preside at meetings of the membership of this Local Union and the Executive Board, preserve order therein, and enforce the International Constitution, these By-Laws and the rules of order adopted by this Union. He shall perform all duties incident to the office of President, and such other duties as may be assigned by the Local Union Executive Board;
- (b) The President shall decide all questions of order, shall have the right to vote in the election of officers, shall, subject to the approval of the Executive Board, appoint all committees except as otherwise specifically provided herein; shall announce the result of all votes and enforce all fines and penalties; and shall have the power to call special meetings of the union or its Executive Board as he deems necessary;
- (c) The President, together with the Secretary-Treasurer, shall sign all official documents, deeds, mortgages, bonds, contracts or other instruments, all checks on bank accounts, and perform other such duties as the International Constitution, these By-Laws or law may require of him;

- (d) He shall have the right to appoint members of the union to chair meetings and to preserve order therein;
- (e) The President, in conjunction with the Secretary-Treasurer, shall have the authority to disburse or order disbursement of all monies necessary to pay the bills, expenses, obligations and indebtedness of the Local Union, which have been properly incurred as provided herein;
- (f) The President shall cast the deciding vote at meetings when a tie occurs on any question;
- (g) He shall generally supervise, conduct and control all of the business and affairs of this organization, its officers and employees, subject to approval of the Executive Board;
- (h) The President shall also have charge of all labor controversies;
- (i) He shall have authority to interpret these By-Laws and to decide all questions of law thereunder arising between meetings of the Executive Board.

Article VII
Duties of the Principal Executive Officer

Section 7.01 The President shall be the principal executive officer of this organization. He shall, in general, supervise, conduct and control all of the business and affairs of the Local Union, its officers and employees. He shall determine the number of employees of the Local Union, subject to the approval of the Executive Board. He shall also select the attorneys, accountants or other special or expert services to be retained by the Local, subject to the approval of the Executive Board. In the event the Executive Board refuses to approve the principal officer's choice of expert services, the principal officer may present his choice to a duly noticed meeting of the membership for approval. He shall have charge and supervision of all the officers and employees, provided, however, that personnel actions regarding appointed Business Agents and Assistant Business Agents shall be subject to the approval of the Executive Board. The Principal executive officer shall also have charge of all labor controversies involving the Local Union.

- (a) The principal officer, subject to the provisions of Article XXII, Section 3 of the International Constitution, together with the Secretary-Treasurer shall sign all official documents, deeds, mortgages, bonds, contracts, or other instruments, all checks on bank accounts, and perform such other duties as the International Constitution, these By-Laws or law may require of him;
- (b) The principal officer in conjunction with the Secretary-Treasurer shall have the authority to disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of the Local Union, which have been properly incurred as provided herein. He shall have the authority to pay current operating expenses of the Local Union, including rents, utilities and maintenance of the Union Hall, and salaries and expenses of officers and employees;
- (c) The principal officer shall have authority to interpret these By-Laws and decide all questions of law there under, between meetings of the Local Union Executive Board;
- (d) The principal officer shall preside at meetings of the Local Union Executive Board, shall enforce the International Constitution, these By-Laws and rules of order adopted by this Union and shall ensure that all officers perform their respective duties. He shall also have the right to serve on all committees by virtue of his office;

- (e) The principal officer shall have the authority to approve or disapprove all membership applications;
- (f) The principal officer shall preside at meetings of the Local Union Executive Board, shall enforce the International Constitution these By-Laws and rules of order adopted by this Local Union and shall enforce that all officers perform their respective duties. He shall also have the right to serve on all committees by virtue of his office.

Article VIII
Duties of the Vice President

Section 8.01 Duties of the Vice President. It shall be the duty of the Vice President to preside at Local Union membership meetings in the absence of the President and the Secretary-Treasurer. He shall perform such other duties and render such assistance as may be directed by the President or Secretary-Treasurer or by the Executive Board.

Article IX
Duties of the Secretary-Treasurer

Section 9.01 Duties of the Secretary-Treasurer. The Secretary-Treasurer shall together with the President, exercise joint custody and control of all funds and property of this Local Union and shall counter-sign all checks for the withdrawal of funds from the account of this Local Union. In addition to the foregoing, the Secretary-Treasurer shall:

- (a) Procure suitable surety bonds covering all officers, Business Representatives and other employees, in such amount and such form as may be required by law or by the International Constitution;
- (b) Supervise the receipt of all monies of this Local Union and immediately deposit the same at least twice a month, in the name of this Local Union in such banks as may be designated by the Executive Board;
- (c) Supervise the proper function of the bookkeeping department which shall conform to the International Bookkeeping System as approved by the General Secretary-Treasurer;
- (d) At the end of month supervise the reconciliation of the cash book and bank statement showing the exact amount of money in the bank and on hand, so that the Trustees of this Local Union may verify the bank statement and the books of this Local Union at any time;
- (e) Keep the books and records available at all times for inspection by the Executive Board;
- (f) Make a full and complete report of all matters relating to this office, accounts, records and work to the Executive Board as they may require, such report to include the amount of monies received, disbursements, balance on hand and where deposited;
- (g) The Secretary-Treasurer shall provide each new member with a free copy of the International Constitution, upon request. The Secretary-Treasurer shall provide any member with a copy of the International Constitution and of the By-Laws;
- (h) The Secretary-Treasurer shall make available to the Trustees all documents necessary for them to verify and complete the monthly Trustees' Report;

- (i) The Secretary-Treasurer shall make available for inspection by the International Auditor any documents necessary for the Auditor to complete the audit schedules or to complete assignments from the General Secretary-Treasurer;
- (j) Generally supervise the bookkeeping department to assure that it functions according to the generally accepted accounting standards;
- (k) With the approval of the President, pay all salaries and other normal expenses of this Local Union by checks counter-signed by the President. In the event that either the President or Secretary-Treasurer, or both, should become incapacitated, the Executive Board shall designate substitutes for the purpose of signing checks;
- (l) Have charge of the official seal of this Local Union;
- (m) Make available to the membership either at the regular meetings or by mail a financial report of this Local Union for the preceding fiscal period as established by the Executive Board;
- (n) Whenever a Secretary-Treasurer's term of office expires or is otherwise terminated, for whatever reason, he shall turn over the funds of the organization to his successor all papers, documents, records, vouchers, worksheets, books, money and other union property that may have been entrusted to him by virtue of his office and shall obtain an appropriate receipt thereof.

Article X Duties of the Trustees

Section 10.01 Duties of the Trustees. It shall be the duty of the Trustees to conduct a monthly examination of the books of the Local Union and the results thereof shall be reported at the next regular membership meeting. They shall sign the books if they have found them correct and the bank balances verified. In the event that a Trustee declines to sign the books, the Trustee must state in writing to the Local Union Secretary-Treasurer his reasons for declining to do so and shall also advise the General Secretary-Treasurer of those reasons. A Trustee's disagreement with the expenditure properly authorized by the Executive Board or membership shall not be a valid basis for refusing to sign the books. The Trustees' reports shall be sent to the General Secretary-Treasurer as required by the International Constitution. They shall receive and review the original surety bond covering each officer, employee and representative of the Local Union required to be bonded, and retain it at the Local Union's principal office. They shall have the duty to see that such bonds are current and enforceable. In the event of the unavailability of a Trustee, the remaining Trustees or Trustee shall perform the above functions. In performing their functions, the Trustees may avail themselves of the services of the Certified Public Accountants retained by the Local Union Executive Board.

Article XI Duties of the Recording-Secretary

Section 11.01 Duties of the Recording-Secretary. The Recording-Secretary shall attend all general membership meetings of the Local Union and the Local Union Executive Board and to keep minutes of the entire proceedings. In his absence the President may appoint a member to act as Recording-Secretary pro tempore who shall have the duties set forth above. The President may appoint a member or members to keep minutes of meetings which are held by division or craft. The Recording-Secretary shall at the end of his term of office, turn over to his successor in office all books, property and other belongings of this Union in his keeping. His records shall be open for inspection by the Executive Board. The Recording-Secretary shall keep a record of the names of the members comprising each

committee and handle all correspondence of the Local Union assigned by the principal executive officer or authorized by membership resolution. In his absence, the President shall appoint a member to act as Recording-Secretary pro tempore who shall have the duties set forth above. The President shall appoint a member or members to keep minutes of every meeting of the members involved. Minutes of division or craft meetings shall be read and approved at the next following meeting of the division or craft involved. Minutes of meetings shall be official records of the Local Union and shall be maintained at the Local Union's principal office.

Article XII Business Representatives

Section 12.01 The Business Representatives shall function under the direct supervision and instruction of the President and shall see to compliance by employers with collective bargaining agreements, shall assist in the processing of grievances and disputes shall engage in organizational activities, and shall perform such other services and duties as the President or the Executive Board may specify. Business Representatives shall be appointed and may be removed at will only by the appointing authority.

Section 12.02 Warden, Conductor and Sergeants-At-Arms. The Warden, Conductor and the Sergeants-At-Arms shall be appointed by the President and may be removed by him at such times and for such reasons as he deems advisable. They shall assist the President in maintaining order.

Section 12.03 Outside Meetings. Except as limited by the International Constitution or the action of the Executive Board, the officers of this Local Union are authorized to attend, as delegates or otherwise, conventions, conferences, meetings and other assemblies, of whatever kind or nature and whenever held.

Section 12.04 Other Duties. In addition to the duties specified in the Article, each officer shall, as authorized and directed by the Executive Board, perform or assist in the performance of the executive and administrative functions of this Local Union and shall perform all duties required of him by the International Constitution.

Article XIII Executive Board

Section 13.01 Board Members. The Executive Board of the Local Union shall be composed of the President, the Vice-President, the Secretary-Treasurer and Recording-Secretary and the three Trustees. Business Representatives shall attend all Executive Board meetings and may be heard but shall not be entitled to a vote.

Section 13.02 Duties of the Executive Board. Except as may be otherwise provided in these By-Laws, the Local Union Executive Board is authorized and empowered to conduct and manage the affairs of this organization, and to manage, invest, expend, contribute, use, lend and acquire funds and property in the pursuit and accomplishment of this Local Unions objectives and the motions and resolutions adopted in the furtherance thereof. However, the Local Union Executive Board shall not have the authority to bind the Local Union for personal services to be rendered to the Local Union or its Executive Board, such as, but not limited to, legal, accounting, consulting, public relations and editorial services, by contract, agreement or otherwise, beyond the expiration of the term of the Executive Board in office at the time such action is taken. This shall not prevent the Local Union Executive Board from entering into a bona fide collective bargaining agreement with another Union covering Local Union employees; provided, however, that if the Local Union employees form a union following the Local Union officer election, or a new

collective bargaining agreement covering such employees is negotiated after the Local Union officer election, the newly organized unit shall not be voluntarily recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local Union, until such action is approved by the officers-elect.

- (a) Make and change rules and regulations not inconsistent with this Constitution and By-Laws or the International Constitution for the management and conduct of the affairs of the Local Union, except as may be otherwise provided for herein;
- (b) Provided the salaries, benefits, allowances, direct and indirect disbursements, expenses for and reimbursement of expenses for officers, Business Representatives and employees;
- (c) Provide employment and payment of attorneys, accountants, and such other special or expert services as they may deem appropriate;
- (d) On behalf of the Local Union initiate, defend, compromise, settle, arbitrate or release or pay the expenses and costs of any legal proceedings or actions of any nature, subject to the provisions of Article IX, Section 9 (c) of the International Constitution, if, in its judgment, it shall be necessary or desirable to protect, preserve, or advance the interests of the organization;
- (e) Transact all business and manage and direct the affairs of the Local Union between membership meetings, except as may otherwise be herein provided;
- (f) Determine which grievances shall be prosecuted against employers and whether the same shall be by arbitration or otherwise, and in its discretion settle and dispose of such matters;
- (g) Determine all protests, grievances and disputes between members or groups of members or in its discretion provide for the determination of such matters by arbitration or other means;
- (h) Prepare bargaining demands and submit the same to employers and designate the officers or members who shall engage in collective bargaining. In doing so it may obtain the assistance of a bargaining committee to be designated by the President;
- (i) Lease, purchase or otherwise acquire in any lawful manner for and in the name of this Local Union real estate or other property, rights and privileges, whatsoever deemed necessary for the prosecution of its affairs, at such price or consideration and generally on such terms and conditions as it thinks fit, and at its discretion to pay therefore either wholly or partly in money or otherwise;
- (j) Sell or dispose of any real or personal estate, property, rights or privileges belonging to this Local Union whenever in its opinion the interests of this Local Union would thereby be promoted;
- (k) Create, issue and make deeds, mortgages, trust agreements, contracts, and negotiable instruments secured by mortgage or otherwise, and do every other act or thing necessary to effectuate the same;
- (l) Create trusts, and effectuate and terminate the same;
- (m) Do all acts, whether or not expressly authorized herein, which the Executive Board may deem necessary or proper for the protection of the property of this Local Union or for the benefit of this Local Union;
- (n) Act as a Trial Board and function as such pursuant to Article XXV;

- (o) Delegate to any of its officers any of the functions and powers herein set forth;
- (p) Fill all vacancies in office which occur during the term of such office for the entire remainder of the unexpired term, in the manner provided in Article XXII, Section 9 of the International Constitution.

In addition to the forgoing the Executive Board is authorized to perform all acts and exercise all powers not expressly granted to the membership or to the officers under this Constitution and By-Laws or the International Constitution.

Section 13.03 Meetings. The Executive Board shall hold regular meetings at least once a month, and may hold other meetings at such time and place as shall be determined by the President.

Section 13.04 Quorum. A majority of the Executive Board shall constitute a quorum for the transaction of business at any meeting of the Executive Board. The action of a majority of the Executive Board present at a meeting at which a quorum is present shall be the action of the Executive Board.

Section 13.05 Reimbursement. By action of the Executive Board members who are not paid full time officers or employees of this Local Union may be paid their expenses, including lost wages, if any, for attendance at each meeting of the Executive Board. However, officers who are full time employees of the Local Union shall not receive additional payments for attendance at the Executive Board or membership meetings.

Section 13.06 Informal Action. As to all matters requiring action by the Local Union Executive Board, and when the Executive Board is not in formal session, the Executive Board may act by telegram, facsimile letter, electronic mail, or telephone. When action by the Local Union Executive Board is required, the principal executive officer may obtain the same by telegraphing, writing, electronic mailing or telephoning the members of the Executive Board and such members may take action on the matter brought to their attention in the same manner; provided, however, that whenever action is sought by any of the foregoing methods, all members of the Executive Board shall be polled. Such action so taken by the majority of the members of the Local Union Executive Board shall constitute action of the board as though the Board were in formal session; provided, however, that any such action must be recorded in the minutes of the Executive Board and ratified by a majority of the members of the Executive Board at its next meeting.

Article XIII Officers — Generally

Section 14.01 Officers.

All officers of this Local Union when installed shall be required to take the following oath of office:

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

this Union. I also promise that at the close of my official term, I will promptly deliver any money or property of this Union in my possession to my successor in office.

- (a) All officers are required to carry out their respective duties. In the event an officer declines to perform his duties as prescribed by the International Constitution, these By-Laws or by law, he shall be subject to charges filed in accordance with Article XIX of the International Constitution and Section 21 of these By-Laws. In appropriate situations in which misconduct or failure to perform duties assigned by these By-Laws jeopardizes the interests of the Local Union, an officer may be subject to summary removal from office, in accordance with Article XIX, Section 1 (f) of the International Constitution;
- (b) The right to assume office or hold office or position in the Local Union, as distinguished from accrued or vested benefits, shall never be deemed a property right, but shall be a personal privilege and honor only. Any action taken by an officer in good faith and within the scope of his authority and power under these By-Laws shall not be the basis for any personal liability against such officer;
- (c) All officers of the Local Union must, as a condition of holding office execute all necessary forms required by law to be filed with any federal or state agency either for and on behalf of the Local Union or as an officer or employee thereof, by accidental default shall not be considered a violation of the duty imposed by this Section.

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

The Officers, Business Agents, other representatives of the Local Union, and Stewards occupy positions of trust in relation to the Local Union and its members as a group and are, therefore, accountable to the membership with respect to the performance of their duties in handling funds and property of the Local Union. The failure or refusal by an Officer, Business Agent, other representative of this Local Union or Steward, upon demand of the Local Union Executive Board or of any individual member for good cause, to render a proper and adequate accounting or explanation respecting the performance of his duties or in handling funds and property of the Local Union shall constitute grounds for charges under Article XIX of the International Constitution on which trial shall be had under the provisions set forth in Article XXV hereof.

The elected officers and Business Agents of the Local Union shall be delegates to other subordinate bodies and Conventions thereof, by virtue of their office or elected position and in accordance with the applicable provisions of the International Constitution and the By-Laws of such other subordinate bodies.

Section 14.02 Other Employees. The salaries, benefits, allowances and expenses of all other persons who are now or hereafter may be employed by this Local Union shall be determined and set from time to time by the Executive Board.

Section 14.03 Members. Whenever rank and file members of this Local Union lose time from their work when engaged in activities on behalf of this Local Union and suffer a loss of income as a result thereof they may be compensated for their loss, and expenses from the general fund, provided that they were duly authorized so to serve by direction of the Executive Board. Reimbursement shall be in such amount as the Executive Board shall, in its sole discretion, determine, but no compensation or expenses shall be paid for attending membership meetings.

Section 14.04 Allowances and Reimbursement. Allowances for expenses or for reimbursement as to any officer, Business Representative or employee may be established and provided for by the Executive Board.

Section 14.05 Automobiles. The President, Secretary-Treasurer, and Business Representatives may be provided with an automobile which shall be used by such persons in the business of this Local Union and for personal use. The purchase price and gas and oil, and maintenance repairs and insurance of such automobile including expenses for personal use thereof, shall be borne by this Local Union. Title to the automobile shall remain at all times in the name of the Local Union. Upon authorization of the Executive Board, the President or Secretary-Treasurer are empowered to sell exchange or lease automobiles or arrange financing therefor on behalf of this Local Union.

Section 14.06 Routine Items. The following expenditures shall be deemed routine items payable by check properly signed by officers of this Local Union in accordance with the provisions of these By-Laws, without prior approval of the Executive Board or membership; per capita taxes to the International Brotherhood of Teamsters, Joint Council No. 16, etc; insurance payments to the Joint Council No. 16 covering full time officers and Business Representatives and office employees such amounts as have been established by the membership; expense allowances to officers that are reasonable and appropriate per month for each officer, or such additional sum as may be established by this membership; shop stewards' commissions; payments to the members for time lost in performing services on behalf of this Local Union; refunds of dues or initiations; office rent and electricity including meeting hall rents and related expenses; automobiles maintenance and bills and insurance; telephone and telegraph; postage and mailings; stationery, office supplies and printing purchases of the office equipment; auditing service payment to certified public accountants; arbitration fees and legal fees and expenses payable to regular legal counsel of this Local Union; flowers, baskets and funeral expenses; expenditures for attendance and out-of-town expenses subject to the limitation that officers and Business Representatives shall receive a reasonable and appropriate amount per day when required to travel out-of-town on union business unless an additional amount is established by the membership; union publications; payments for insurance for employees of the union in such amounts as have been established by the membership; miscellaneous items involving an expenditure of less than \$1000.00 each.

Section 14.07 Executive Board Approval. The approval of the Executive Board shall be required for the expenditures of tickets, ads and donations. In the case of any expenditure for tickets or ads and donations in excess of \$5000.00 dollars prior approval of the membership shall be necessary. Automobiles owned and maintained by this Local Union may be replaced at the discretion of the Executive Board when it deems it advisable in the interests of this Local Union, except that any automobile which has been in service for less than two years may not be replaced without prior approval of the membership. The Executive Board is authorized in its discretion to make all expenditures for voting machines and for conducting and supervising nominations and elections, meeting expenses, negotiating expenses, including strike benefit donations; Christmas gifts to building service employees and other persons serving this Local Union and insurance premiums.

Section 14.08 Membership Approval. Expenditures for attendance at the International Convention and for all other items for which authority has not been granted in accordance with these By-Laws to the officers or to the Executive Board shall be subject to prior approval of the membership.

Section 14.09. Benefits. The Local Union Executive Board may from time to time provide the terms and conditions of employment for officers, employees and representatives of this organization including, but not limited to, such fringe benefits as vacations with pay, holidays, sick leave, time off for personal leave, and, in connection therewith, any disability or sickness, or health and welfare and retirement benefits and activities, and facilities relating thereto and may from time to time provide changes therein, as well as additional compensations and allowances. Any such benefit adopted by the Executive Board meetings. Policies may be modified in the manner specified in these By-Laws but must be reaffirmed no less frequently than the start of a new term of office. The principal executive officer shall be responsible for ensuring compliance with the policies and for maintaining records necessary to verify that all officers and employees have been compensated in accordance with the policies. The Local Union Executive Board or the principal executive officer is authorized to make to any Local Union officer or employee advances on his salary and/or vacation pay, within the restrictions of applicable law.

Article XV

Protection Against Unfounded Litigation

Section 15.01 Litigation Expenses. Because the Labor-Management Reporting and Disclosure Act of 1959 is replete with uncertainty and ambiguity and may subject the officers and Business Representatives of this Local Union to civil suits or criminal prosecutions in unmeritorious cases, the Executive Board is authorized to pay or make reimbursement for all reasonable expenses, including attorneys' fees, involved in the defense of civil and criminal proceedings instituted against officers and Business Representatives when authorized in accordance with Article IX, Section 9 of the International Constitution.

Article XVI

Bonding

Section 16.01 Legal Requirements. To the extent and in the manner and form required by law every person who handles funds or other property of this Local Union shall be bonded for the faithful discharge of his duties.

Section 16.02 Cancellation. Should the bond of any person be refused upon application or cancelled after surety coverage had been afforded, such person shall be allowed thirty days within which to arrange for a bond. In either event, this Local Union shall pay the premiums which do not exceed those which would have been charged for the coverage refused or cancelled. During such interim period arrangements shall be made whereby such person shall not be permitted to receive, handle, disburse, or otherwise exercise custody or control of the funds or other property of this Local Union.

Article XVII

Nominations and Elections of Officers: Rules

Section 17.01 Time of Nominations and Elections Meetings as hereinafter established for nominations of officers shall be held in November subject to the provisions of the International Constitution. Elections shall be held not less than thirty days after nominations have been closed. The Local Union Executive Board shall set the time and place of nominations and elections and such time and place and other relevant arrangements shall be convenient to the greatest possible attendance by all the members. The term of office of Local Union officers shall not be for a lesser period than three (3) years, except where necessary to bring the terms of office of all officers in concurrence or in order to provide for a schedule of nominations and elections in accordance with Article XXII, Section 4(a) of the International Constitution.

Section 17.02 Notice of Rules, Nominations, Meeting and Election At least twenty (20) days prior to the date of the nomination meeting, specific notice of date, time and place of the nominations meeting and the offices to be filled shall be mailed or shall be published in any Local Union publication mailed to the membership (except that notice of nominations and election may be combined); each member shall be advised in such notice that the election rules are set forth in the By-Laws and International Constitution which are available upon request.

Section 17.03 Eligibility of Members Every member whose dues are paid up through the month prior to the month in which the nominations or election is held shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in collective bargaining agreement shall be declared ineligible to nominate, or vote for, a candidate for office in Local Union, by reason of delay or default in the payment of dues by the employer to the Local Union.

(a) To be eligible for election to any office in this Local Union, a member must be in continuous good standing in the Local Union and actively employed at the craft within the jurisdiction of this Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold the office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5 of the International Constitution concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in this Local Union because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5 (c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

Payment of dues after their due date shall not restore good standing status for such month or months in computing the continuous twenty-four (24) months good standing status required by this Section as a condition of eligibility for office. No member shall lose his good standing status for any month in which his dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement by reason of delay or default in the payment of such dues by the employer to the Local Union. However, a member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.

Failure of a Local Union to issue a withdrawal card shall not be conclusive proof that a nominee was actively employed at the craft within the jurisdiction of the Local Union during the required twenty-four (24) month period prior to his nomination if a challenge is made based on evidence to the contrary, in which event determination shall be made on the facts presented. Periods of unemployment during the twenty-four (24) month period preceding the nomination shall not be considered a break in active employment at the craft within the jurisdiction of the Local Union if the nominee was actively seeking and available for employment in the craft, and not working outside the craft during such periods of unemployment.

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

Section 17.04 Nominations Procedures Nominations shall be held in accordance with provisions of Section 17 (A) above at a general or special membership meeting or meetings or at a meeting of each separate division, craft or place of employment authorized by the Local Union Executive Board to hold separate meetings. If nominations are held at separate division, craft or place of employment meetings, the members may nominate candidates from their own or any other division, craft or place of employment for election to Union office. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of special meetings, at which meeting nominations and the conduct of the election shall be the sole order of business. Nominations shall be taken at the scheduled time and date even if there is no quorum present as required by these By-Laws.

- (a) Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee. Nominations may also be submitted by mail petition specifying the name and signature of the nominator and seconder, the position sought, and the signature of the nominee. Candidates are advised to verify the good standing status of their nominator and seconder prior to the nomination meeting;
- (b) Every member eligible to nominate candidates shall be entitled to nominate or second the nomination of one (1) candidate, but only one (1), for each office open. Prospective candidates may not nominate themselves nor second their own nomination;
- (c) Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nomination being made;
- (d) If an election committee is used, after nominations, each candidate for the office of President, Secretary-Treasurer and Recording-Secretary may designate one (1) member for service thereon who shall be appointed by the President;
- (e) In the event only one (1) candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the nominations meeting, effective as of the conclusion of the term of the incumbent;
- (f) A member otherwise eligible to run for office shall become a bona fide candidate only upon his nomination for office and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person or, if absent, in writing, and may accept nomination for only one office. After a candidate has accepted nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed;
- (g) If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in Section 14 (A)(6) of these By-Laws;

- (h) If there is only one (1) nominee for an office and he is finally ruled ineligible after the nomination meeting, then the office shall be filled by appointment by the newly-elected Local Union Executive Board.

Section 17.05 Elections After the nominations meeting, but not less than twenty (20) days prior to the election, specific notice of the date, time and place of the election and of the offices to be filled shall be mailed to each member at his last known home address, if no notice has previously been sent. The election shall be held at such place or places and at such time, not earlier than (30) days after the nomination meeting, as may be designated by the Local Union Executive Board. If the Local Union Executive Board directs that the election be conducted by mail referendum balloting, such balloting shall be in accordance with the procedures promulgated by the International Union. Ballots shall be mailed to all active members and shall be returnable to a secure post office box no earlier than thirty (30) days after the nomination meeting. The Executive Board may retain a neutral agency to supervise the distribution, collection and tabulation of the ballots. Candidates shall have the right to have their observers present at all phases of the ballot processing procedure. If the Local conducts the election with a walk-in ballot, the Executive Board shall provide for enclosed voting locations to preserve the secrecy of the ballots and the ballots shall be placed in boxes, unless the Local Union Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote. The election box or boxes, or machine or machines, will be located at a place or places designated by the Local Union Executive Board. Balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m. It shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election.

- (a) Voting shall be conducted by secret ballot among the members in good standing. There shall be no proxy voting. Each such member shall be entitled to one vote. The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union By-Laws, including the authority to use mail referendum balloting or absentee balloting without membership approval. The General President shall also have the authority to direct the use of mail referendum balloting or absentee balloting without membership approval, and action of the Local Union Executive Board to the contrary notwithstanding.

If the Local conducts a walk-in election, absentee voting by mail must be permitted upon application of members who are ill, or absent from the city or town where they are normally employed at the time of voting, live or work a significant distance from the polling site, or because on vacation or on employment tour of duty. The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer not less than five (5) days prior to the date set for election and shall contain the grounds therefor. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close. Absentee voting shall be conducted with all proper safeguards for secrecy of the ballot;

- (b) Each candidate, at his own expense, shall have the right to have an observer other than himself at each polling place and at the counting of the ballots who must be a member of the Local Union in good standing. Observers may challenge the eligibility of voters, and all challenged ballots shall be sealed in a blank envelope which in turn shall be sealed in an envelope with the name of the voter thereon. If votes are challenged, such challenge shall be made in writing at the time of the election with

specific reasons given for such challenge. Challenges shall be investigated to determine their validity if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until all challenges have been ruled upon. Upon request of any candidate, voting machines, if used, shall be checked for proper operation. Candidates shall have the right to be present at the counting of the ballots;

- (c) To be eligible to vote in the election, a member must have his dues paid up through the month prior to the month in which the election is held and must still be an active member on the day of the election. The candidate for each office who receives a plurality of the votes cast for the office shall be elected thereto, except in the case of Trustees, in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of principal officer of the Local Union, in which case there shall be a re-election between only the candidates who have tied for the highest number of votes and only for that principal office. The officers-elect shall take office at the end of the term of the incumbent officers, regardless of the date of installation, which installation may take place at either the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Except as provided above, no runoff election shall be held;
- (d) No officer may run for another office in this Local Union, the term of which covers part of his current term, unless he resigns from his current office, effective upon the certification of the results of the election. He shall announce his intention to resign not later than fifteen (15) days prior to the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation. No officer may hold another office in any other Local Union (other than a trustee Local Union) during his term of office, except by authorization of the General President and the Local Union involved;
- (e) There shall be no write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for that office is concerned and such ballot for that office shall not be considered as having been cast in determining the vote for that office;
- (f) During the period between the date of election and the end of the term of office no extraordinary expenditures of Local Union funds shall be made, and no action shall be taken that commits the Local Union to make such extraordinary expenditures in the future, without the approval of the officers-elect and the membership. An expenditure shall be considered extraordinary if it falls within the definition set forth in Article XXII, Section 4(e) of the International Constitution. In the event the election results in a new complement of officers, the outgoing must comply with the restrictions in Article XXII, Section 2(b) of the International Constitution regarding entering into contracts for personal services.

Article XVIII

Duties of Secretary-Treasurer in Connection with Nominations and Election

- (a) The Secretary-Treasurer shall at least twenty (20) days prior to the holding of the nominations give notice, as above provided, to the membership of the time, place and the offices for which nominations will be in order in connection with the election. Such notice shall be given in the manner determined by the Local Union Executive Board, consistent with these rules;
- (b) The Secretary-Treasurer shall review the eligibility to hold office of any member at such member's request and shall make a report on the eligibility of that member within five (5) days thereafter to any interested member. After the nomination meeting, the

Secretary-Treasurer shall review the eligibility of all candidates, their nominators and seconders and certify their eligibility to run for office. The Secretary-Treasurer shall immediately notify all nominees of their eligibility status and shall specifically notify any disqualified nominee of the reason for said disqualification;

- (c) Unless a joint nomination-election notice was sent, the Secretary-Treasurer shall give written notice to the membership of the Local, at least twenty (20) days prior to any election date, of the time, place, date, hours, and number of offices upon which voting shall be held, by mailing such notice to the last known home address of every active member;
- (d) Upon reasonable request of any declared and eligible candidate for office, the Secretary-Treasurer shall arrange for the distribution of any campaign literature by mail, or otherwise, provided that such candidate pays the reasonably estimated cost involved in advance. The Secretary-Treasurer shall not delay the distribution of any candidate's mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Secretary-Treasurer may require that all campaign literature shall be presented to him at the principal office of the Local Union no later than a reasonable number of days prior to the election and all candidates shall be given reasonable notice;
- (e) The Secretary-Treasurer, to the extent required by law, shall upon reasonable notice make available for inspection by any bona fide candidate the membership list of the Local Union covered by union security agreements once within thirty (30) days prior to the election date. No candidate shall be permitted by the Secretary-Treasurer to copy any names or addresses of employees shown on such list and such inspection must be made in the presence of the Secretary-Treasurer or his designee;
- (f) The Secretary-Treasurer shall retain copies of the notices of nominations and of the election, the mailing list of the membership, the voter register, a copy of the ballot, the official tally sheet submitted by the tellers, all voted and unused ballots, ballot return envelopes and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.

Article XIX

Nomination and Election Protests

Section 19.01 Nomination and Election Protests.

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

- (b) In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by such member within seventy-two (72) hours setting forth the exact nature and specifications of the protest and his claim as to how it has affected the outcome of the election. Such protest or charge shall be made to the Secretary-Treasurer of the Joint Council, or State Conference, if there is no Joint Council, with which the Local Union is affiliated and protest or charge shall be referred to the Executive Board for disposition. The decision of the Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention.

Article XX
Initiation Fees and Dues

Section 20.01 Initiation Fees. Initiation fees shall be \$500.00, less any amount previously paid by the individual or initiation into the Film Drivers Craft.

Section 20.02 Dues. The minimum monthly dues of this organization shall be calculated on the basis of the formula set forth in Article X, Section 3(d) of the International Constitution. In no event shall monthly dues be less than the minimum established in the International Constitution.

The dues of this Local Union shall be as follows:

Theatrical Drivers Craft.....	\$20.00 per month
Warehousemen	\$20.00 per month
Associate Casting Directors	\$20.00 per month
Casting Directors	\$75.00 per month
Location Managers/Scouts	\$75.00 per month
Salaried Officers & Business Representatives.....	\$75.00 per month

No officer, Business Representative, shop steward or employee of this Local Union shall have the authority to collect dues except at the union office under the President.

Any increase in the rate of dues, initiation fees, reinitiation fees, fees or the levying of any general or special assessment by the Local Union shall be made at a general or special membership meeting in accordance with the following procedures:

- (a) Reasonable notice shall be given of the meeting at which the membership will consider the question of whether or not such dues, initiation, or reinstatement fee, general or special assessment shall be increased or levied. The notice shall indicate that a proposed increase or assessment is to be voted on;
- (b) At the meeting called as provided in this Section, voting shall be by secret ballot of the members in good standing;
- (c) A majority vote by secret ballot of the members in good standing voting at such meeting shall decide the issue;
- (d) This provision supersedes Section 29 (Amendments) with respect to changing the dues and fees set forth in these By-Laws;
- (e) Nothing contained in Section 18 (f) of these By-Laws shall preclude the Local Union Executive Board in the exercise of its discretion, from directing that a membership vote on issues involving dues, fees, or assessments be conducted by mail ballot referendum after appropriate notice and with safeguards for preserving the secrecy of the balloting;

- (f) Any member who shall be three months in arrears in the payment of dues, fines, assessments, or other charges, shall automatically stand suspended at the end of the third month and shall not be entitled to any rights or privileges of membership. Any member who has been automatically suspended for failure to pay dues and other charges shall be under a continuing obligation to pay dues during the period of his suspension. Upon payment of the delinquent dues and reinitiation fee, the member shall be restored to good standing status. However, payment of dues shall not restore good standing status if fines and other charges due are not paid. The Local Union Executive Board shall have the power to waive, or reduce, on a non-discriminatory basis, the payment of delinquent dues, assessments and/or reinitiation fee;
- (g) General or Special Assessments and levies may be made from time to time in the manner provided hereinafter.

Theatrical Drivers Craft Members, in addition to the membership dues shall pay 3% of wages as an assessment for the purpose of funding the referral system as well as administrative and overhead costs of this Local Union.

Article XXI Meetings

Section 21.01 Membership Meetings. Membership meetings shall be held quarterly at such time and place as the Executive Board may designate.

Section 21.02 Separate Meetings; Voting. The Executive Board, subject to membership disapproval, is authorized to permit membership meetings to be held on a division, craft, place of employment or other similar basis as it shall consider appropriate considering the special needs of this Local Union as to permit the membership to attend meetings and to express their views and otherwise exercise their rights as members.

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

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

Section 21.03 Special Meetings. Special membership meetings may be called upon with reasonable notice by the President or by the Executive Board, the time and place to be determined by the President or the Executive Board as the case may be. Only the business specified shall be considered at a special meeting.

Section 21.04 Quorum. No business shall be transacted at any regular, special or craft meeting unless a quorum of the membership of this Local Union or, for craft meeting, the craft is present. A quorum for meetings shall consist of 60 members in good standing. The Executive Board may determine the appropriate means for identification and admission of the members to meetings.

Section 21.05 Shop, Craft, Industry, Area or Shop Steward Meetings. Shop, Craft, Area or Shop Steward meetings may be called upon reasonable notice at any time by the Secretary-Treasurer or by the Executive Board, the time and place to be determined by the Secretary-Treasurer or the Executive Board as the case may be.

Section 21.06 Method of Voting. Subject to the requirements of law the method and manner of voting at all meetings shall be determined by the membership.

Section 21.07 Order of Meetings. The President, or other Chairman in the absence of the President, shall have the right to take all necessary steps to preserve order at meetings, including the right summarily to evict any member who refuses to abide by his rulings, or who speaks without being recognized, or who is noisy, profane or is disorderly in any other respect. It shall be the duty of all members to assist the Chairman in preserving order. The presiding Chairman can detail members or other persons to remove persons who have been ordered removed, or to prevent attendance of members who are "under the influence" or disorderly without calling upon the police. The only appeal from such action of the Chairman shall be to the Executive Board in accordance with the procedure for hearings set forth in the International Constitution.

Article XXII Membership

Section 22.01 Eligibility for Membership. An applicant shall be considered a member when he/she shall meet all the following requirements for membership;

- (a) He/she shall have executed a written application for membership on a form provided by the Secretary-Treasurer;
- (b) He/she shall have signed a dues checkoff authorization permitting the initiation fee to be withheld from earnings. If no dues checkoff authorization is signed, membership shall date from the first month for which dues are paid, once full payment of the initiation fee is completed. Or, he/she shall have tendered the initiation fee and one month's dues by cash, check or money order;
- (c) The Local Union shall have accepted his/her application and dues;
- (d) He/she shall have taken the oath of obligation as member at a regular meeting following the action upon his/her application, unless dispensed with by the Local Union by policy or practice. In the event the applicant shall fail to take the obligation within a reasonable time following the acceptance of his/her application, he/she shall forfeit the monies tendered except for good cause shown;
- (e) The first money received from an applicant for membership must be applied to the payment of dues for the month in which the applicant is first obligated to pay dues. If this Local Union permits an applicant to pay an initiation fee on a deferred basis, the installment payments must be allocated to first satisfy the member's dues obligation. All new members presenting themselves for initiation shall receive upon request a free copy of the International Constitution and Local Union By-Laws from the Local Union. However, any alleged failure to receive such copy shall not excuse a member from violation of any duty or obligation imposed upon him/her by his oath of office, initiation or membership.

Section 22.02 Loss of Good Standing

- (a) A member shall lose his/her good standing membership in the organization by acceptance of a withdrawal card, by suspension or expulsion from membership after appropriate proceedings consistent with the By-Laws or the Constitution, or by

nonpayment of dues on or before the last business day of the current month. Members whose dues have been withheld by their employer pursuant to a voluntary checkoff agreement shall not be declared in bad standing merely because the employer fails to remit checkoff to the Local Union on or before the last business day of the month. Payment of dues to an officer or steward authorized by this Local Union to collect such dues shall be deemed payment to the Local Union;

- (b) A member in suspended status because of his failure to pay his dues or other obligations as required by International Constitution and these By-Laws may reinstate his/her good standing by the payment of all delinquent dues and other financial obligations.

Article XXIII Issuance of Transfer and Withdrawal

Section 23.01 Issuance of Transfer and Withdrawal

- (a) The issuance of transfer cards must be handled in strict compliance with Article XVII, Sections 1 and 2 of the International Constitution. The acceptance of transfer cards must be in accordance with the provisions of Article XVII, Sections 3 and 4. The jurisdiction to issue honorable withdrawal cards must be handled in strict compliance with Article XVII, Sections 6 and 7 of the International Constitution;
- (b) When the Local Union is required to give to a member an honorable withdrawal card under the terms of the International Constitution and its By-Laws, it may provide for the continuance of Local Union benefits to such inactive member under conditions which it may set forth, but such inactive member shall not be permitted to hold office or vote, and shall have only such right to participate in the meetings and the affairs of the Local Union as shall be uniformly permitted by the Local Union Executive Board;
- (c) A withdrawal card shall be issued to any member, including a Local Union officer, who has retired, except that a member who continues to work at the craft, including employment with the International Union or any affiliate, shall be required to retain active membership.

Section 23.02 Members to Abide by Constitution. Every member by virtue of his membership in this Local Union is obligated to abide by this Constitution and By-Laws with respect to his rights, duties, privileges and immunities conferred by them, and to conduct himself in accordance with orderly procedures established herein and as directed by the officers. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

Section 23.03 Local is Exclusive Bargaining Representative. Every member by virtue of his membership in this Local Union authorizes this Local Union to act as his exclusive bargaining representative with full and exclusive power to execute agreements with his employer and to act for him and have final authority in presenting, processing, and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his employment, in such manner as this Local Union or its officers deem to be in the best interests of this Local Union, including declining to process any such grievance, complaint, difficulty or dispute if their reasonable judgment such grievance, complaint or dispute lacks merit.

Section 23.04 Members to Assist Union Representatives. No member shall interfere with the elected officers or business agents of this organization in the performance of their duties, and each member shall, when requested, render such assistance and support in the performance of such duties as may be required by them. Each member and officer

shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct by this Local Union of its legal or contractual obligations.

Section 23.05 Loyalty to Union. No member shall participate in any action for the purpose of supporting secession or dual unionism or espouse dual unionism or disaffiliation. Nor shall any member at any time make slanderous, abusive or profane statements concerning this Local Union, its members or its officers, or do any act which obstructs any of the functions or procedures of this Local Union.

Section 23.06 Memberships Not a Property Right. Membership in this Local Union shall not vest any member thereof with the right, title or interest in or to any of the funds, property or other assets belonging to this Local Union now or hereafter and no member shall have a property right to membership in this Local Union.

Section 23.07 Residence Address. Each member shall be responsible for promptly notifying this Local Union in writing of his residence address, and of all changes thereof, in such form as shall be prescribed by the Secretary-Treasurer, and for obtaining from this Local Union written acknowledgement of receipt thereof. This Local Union shall not be responsible for failure to give any notice to any member who fails to comply with this requirement.

Section 23.08 Grievances and Protests. All grievances and protest of any nature in connection with the affairs of the Local Union shall be in writing, signed by the member submitting in the same and shall be submitted promptly to this Local Union office for consideration by the Executive Board. Regardless of any protest or grievance that has been filed it shall be the obligation of all members faithfully to observe the terms and conditions of this Constitution and By-Laws, and of all collective bargaining agreements, and faithfully to observe all orders, directions and instructions of the officers of this Local Union, pending determination of the protest or grievance.

Section 23.09 Exhaustion of Remedies. This Constitution and By-Laws and the International Constitution provide the exclusive means whereby each and every member shall pursue the remedies to which he is entitled hereunder and under applicable laws. No member shall resort to proceedings before any court, administrative agency, or government official until he has first exhausted the internal remedies provided for him in this Constitution and By-Laws and in the International Constitution. It shall be the duty of every member to pursue his internal remedies with promptness and to cooperate with this Local Union in the prosecution thereof so that a final decision may be rendered.

Section 23.10 Resignation from Membership. No member seeking to resign from membership in any Local Union may do so except by submitting such resignation in writing to the Secretary-Treasurer of the Local Union. Any member who resigns before he has paid all dues, assessments, fines and other financial obligations owing to any subordinate body shall be obligated to pay such obligations owing at the time of resignation shall be collectible by the Local Union in any appropriate forum. This shall not relieve any member of any obligation to comply with any other provisions of this Constitution regarding acquisition or maintenance of membership in good standing.

Article XXIV Shop Stewards

Section 24.01 Place of Employment. There shall be a shop steward at each place of employment unless the Executive Board determines in any instance that a shop steward is unnecessary.

Section 24.02 Designation. The Executive Board shall determine in each case whether the shop steward shall be elected by the members in good standing at the place of employment or appointed by the Executive Board. If the shop steward is to be elected the Executive Board shall determine the place, time and manner of election.

Section 24.03 Removal. It is recognized that it is the function of shop stewards to act solely in accordance with the policy of the Executive Board, and accordingly, the Executive Board is authorized to remove any shop steward, whether elected or appointed, with cause and with a hearing, subject to request of said shop steward for a hearing, and to appoint a successor for such shop steward forthwith.

Section 24.04 Duty of Shop Stewards. It shall be the duty of the shop stewards to assist this Local Union in obtaining faithful performance of collective bargaining agreements by the employers and the employees, and stewards shall promptly report to this Local Union all violations thereof. The shop steward shall have no authority to order a strike or stoppage of work except by the direction of the President or Secretary-Treasurer of this Local Union.

Article XXV Charges, Trials and Appeals

Section 25.01 Basis for Charges. The basis for charges against members and local officers for which they shall stand trial, shall, among other things, consist of the following:

- (a) Violation of any specific provision of this Constitution and By-Laws or of the International Constitution or failure to perform any of duties specified thereunder;
- (b) Violation of the oath of loyalty to this Local Union and the International Union;
- (c) Violation of the oath of office;
- (d) Gross disloyalty, or conduct unbecoming a member;
- (e) If an officer, gross inefficiency which shall hinder and impair the interests of this Local Union or of the International Union;
- (f) Misappropriation;
- (g) Secession, or fostering the same;
- (h) Abuse of fellow members and officers by writing oral communication;
- (i) Abuse of fellow members or officers in the meeting hall;
- (j) Activities which tend to bring this Local Union or the International Union into disrepute;
- (k) Disobedience to the regulations, rules, mandate and decrees of this Local Union or the officers of the International Union;
- (l) Violation of any of the provisions of the collective bargaining agreement;
- (m) Any member (1) knowingly accepting or remaining in the employ of any employer whose employees are on strike or locked out, without permission of this Local Union; or (2) furnishing information, or an unfair list, directly or indirectly, to any employer whose employees are on strike or locked out, or are attempting to obtain a collective bargaining agreement, or an improvement in their working conditions, or are resisting any change in their wages or working conditions;
- (n) Preferring charges against members or officers in bad faith or where actuated by malice;

- (o) Acting in a disorderly manner at any Local Union meeting;
- (p) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and fealty of a member of a trade union, and for violation of sound trade union principles.

Section 25.02 Charges. Charges shall be in writing and signed by those filing the same and must be filed in duplicate with the Secretary-Treasurer of the body which is to hear the charges, who shall serve the charges and notice of the hearing upon the accused either in person or by mail at least ten (10) days prior to the hearing. No hearing on any charge shall be held less than ten (10) days from the date on which notice of the hearing has been served on the parties unless all parties agree to waive this requirement. In scheduling the time and place of the hearing, due consideration shall be given to the convenience of the accused and witnesses necessary in the case. The charges must set forth the provisions of the International Constitution or these By-Laws allegedly violated in sufficient detail to inform the accused of the offense charged, including, where possible, dates and places. The charging party must include in the charges all alleged offenses of which he has knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charges. He may not subsequently file additional charges based upon facts of which he had knowledge, or in exercise of due diligence should have had knowledge, as of the time of the filing of the charges. Any charge based upon alleged misconduct which occurred more than five years before the discovery of the conduct giving rise to the charge is barred and shall be rejected by the Secretary-Treasurer except charges based upon the non-payment of dues, assessments and other financial obligations. No member or officer shall be required to stand trial on charges involving the same set of facts as to which he is facing criminal or civil trial until his final court appeal has been concluded. Nor shall a member or officer be required to stand trial on charges that are substantially the same or arise under the same circumstances as prior internal Union charges against such member or officer provided that a decision was rendered on those prior charges. Charges may be preferred against a suspended member or an active member who has been issued a withdrawal card.

- (a) In the event of non-compliance with the decision handed down by a trial or appellate body, the member, elected Business Agent, Officer or Local Union shall stand suspended from all rights and privileges under the International Constitution until the provisions of the decision have been complied with, unless the General President has waived payment of a fine or stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the General President has stayed the effectiveness of the decision pending appeal;
- (b) Rights of the Accused. Throughout the proceeding, there shall be a presumption of innocence in favor of the accused. In order to be sustained, the charges must be supported by a preponderance of reliable evidence and a majority of the members of the panel must vote to find the charged party guilty. The accused shall have the right to present his own evidence, rebut testimony against him, present witnesses favorable to him and cross-examine adverse witnesses. The charging party, the accused and the Local Union Executive Board may select only a member in good standing of the Local Union to represent them at a hearing conducted before any trial or appellate body. Witnesses need not be members of the Union. The hearings shall be open to other members, subject to the discretion of the Local Union Executive Board in maintaining order and in excluding witnesses except when testifying;

- (c) Action by the Local Union Executive Board. The Local Union Executive Board shall have the authority to determine the manner of reporting the hearings and shall have the authority to exclude any method not authorized by it. Any request by a party that verbatim record be made must be received by the Executive Board not later than five (5) business days prior to the scheduled commencement of the hearing and shall be honored. If the Local Union Executive Board decides to have a transcript or recording of the hearing made, the Local Union Executive Board shall furnish a copy of the same to the parties upon payment of the cost for same, or shall make such copy available to the parties for copying or consultation without cost. Within a reasonable time after completion of the hearing, the Local Union Executive Board shall decide the case. The decision of the Local Union Executive Board shall be in writing and contain the charges, its own factual findings and decision, and notice to the parties informing them of the proper body to which they may appeal, and the time within which the appeal must be filed. A copy of the decision of the Local Union Executive Board must be forwarded to the parties without delay. A copy of all documents in the proceedings shall be kept available at the Local Union's principal office until final disposition is made of these charges.

Section 25.03 Trials. Every member charged with a violation of these By-Laws or the International Constitution shall be accorded a full and fair hearing as required by law. No member of the Local Union Executive Board involved in the subject matter of the charge, shall sit on the trial board. The decision on disqualification under this provision, if raised by an interested party, shall be made in the first instance by majority vote of the Local Union Executive Board, whose decision shall be appealable as part of the case, in accordance with the appeal procedure of the International Constitution and these By-Laws. The officer alleged to be involved shall not vote on whether he qualified to remain on the hearing panel. If the member charged or preferring the charges is a member of the Local Union Executive Board, or if a member of the Local Union Executive Board is unable to attend the hearing for any reason, then the principal executive officer of the Local Union shall appoint and an involved member as a substitute. If either the President or Secretary-Treasurer of the Local Union is charged, or has preferred the charges, or is unable to attend the hearing for any reason, the other officer shall appoint the substitute. If both the President and Secretary-Treasurer of the Local are charged or preferring the charges, or for any reason are unable to attend the hearing, the remaining members of the Local Union Executive Board shall appoint the substitutes. Charges by, against or involving a majority of the members of a Local Union Executive Board shall be filed with the Secretary-Treasurer of the Joint Council for trial by the Joint Council Executive Board. In the event shall any involved officer or member serve on a hearing panel, participate in the selection of substitute member of a hearing panel, or participate in the decision making process of the trial body.

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

Conference in all matters relating to disputes and appeals where there is no chartered Joint Council.

Section 25.04 Penalties. Whenever a member is found guilty of the charges preferred against him the penalty may be a reprimand, fine, suspension, expulsion, revocation or command to do or perform or refrain from doing or performing any specified act. If a fine is imposed it shall be paid into the Local Union treasury or to a recognized charity, as the Executive Board may determine.

Section 25.05 Procedures. In all other respects the procedure for trials and appeals set forth in the International Constitution shall prevail.

Section 25.06 Appeals. In the event, disciplinary action is taken against the accused; he or she may take an appeal from the decision of the Local Union Executive Board to the Executive Board of Joint Council 16. Appeals from decisions of the Executive Boards of Joint Councils may be taken to the General Executive Board. As to all other matters not specifically excluded herein, appeals from decisions of the General Executive Board may be taken to the next Convention. There shall be no further appeal from the decision of the Convention. All manner of appeals shall be taken within fifteen (15) calendar days from the date the decision is placed in the mail or otherwise transmitted to the interested parties.

Article XXVI Standing Rules for Union Meetings

Section 26.01 Standing Rules for Union Meetings. The following rules shall apply to all meetings of this Local Union:

Rule 1. The regular order of business may be suspended by a majority vote of the meeting at any time to dispose of an urgent matter.

Rule 2. The Chairman of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation thereof.

Rule 3. Talking or other activity which may have the effect of disturbing a member while speaking, or disturbing the conduct of the meeting or hindering the transaction of business, shall be deemed a violation of order.

Rule 4. Attending meetings under the influence or disorderly shall be a basis for removal without calling upon the police. No member may bring a firearm to the meeting or shall have a firearm on the Union's property.

Rule 5. All business done in this Local Union shall be strictly secret to all outside the Local Union.

Rule 6. When a member wishes the floor, he shall rise and respectfully address the Chair, and if recognized by the Chair he shall state his name.

Rule 7. If two or more members rise to speak, the Chair shall decide who is entitled to the floor.

Rule 8. Every member while speaking shall adhere to the question under debate, avoid all personality and indecorous language, as well as any reflection on this Local Union or any member thereof; but all members shall have the right to express their views, arguments and opinions upon candidates and upon any business properly before the meeting.

Rule 9. No member shall interrupt another while speaking except to a point of order, and he shall state definitely the point, and the Chair shall decide the same without debate.

Rule 10. Any member, while speaking being called to order by another, at the request of the Chair shall cease speaking and be seated until the question of order is determined.

Rule 11. If any member shall feel himself aggrieved by a decision of the Chair, he may appeal from the decision to the meeting without debate.

Rule 12. When an appeal is made from the decision of the Chair, said appeal be stated by the Chairman of the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member will have the right to state the grounds of

appeal, and the Chair will give reasons for his decision. Thereupon the members shall proceed to vote on the appeal without further debate, and it shall require a majority vote to sustain such an appeal.

Rule 13. No member shall speak more than once on the same question until all the members wishing to speak have had an opportunity to do so; nor more than twice without the permission of the Chair, nor more than ten minutes at one time.

Rule 14. All resolutions and motions, other than the first six in Rule 18, or to accept to adopt the report of a committee, shall be reduced to writing before the President shall state the same to this Local Union.

Rule 15. In presenting a motion, a brief statement of its objects may be made, but no discussion of its merits shall be permitted until the question is stated by the Chair.

Rule 16. Any member may call for a division on a question when the subject admits thereof.

Rule 17. All votes, other than amendments to the Constitution and By-Laws or amendments to these standing Rules of Order, may be taken at the same meeting. Votes upon amendments to the Constitution and By-Laws or these Standing Rules or Order, must be taken in accordance with Section 20.01.

Rule 18. The following motions shall have precedence in the following order: First, to adjourn; Second, to close debate; Third, to take the previous question; Fourth, to lay on the table; Fifth, to postpone indefinitely; Sixth, to postpone to a definite time; Seventh, to refer; Eighth, to amend. The first four shall be decided without debate.

Rule 19. When a question is postponed indefinitely, it shall not come up again, except upon a majority vote.

Rule 20. The motion to close debate may be made by two members, and shall be put in this form: "Shall the debate now close?" And, if adopted, the President shall proceed to take the question on the resolutions and amendments thereto, according to priority, without further debate.

Rule 21. The call for the previous question may be made by six members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take the question on the original resolution to the exclusion of all debate and all amendments which have not been adopted.

Rule 22. If the amendments are proposed, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall then be put as follows: (a) amendment to amendment; (b) amendment; (c) original proposition.

Rule 23. A motion to adjourn shall always be in order except: (a) when a member has the floor; (b) when members are voting.

Rule 24. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before this Local Union, until fifteen minutes have been elapsed. The Chairman may at any time declare the meeting adjourned if he finds it impossible to maintain order.

Rule 25. The Chairman shall state every question coming before this Local Union before suffering debate thereon, and immediately before putting it to a vote he shall ask, "Is this local ready for the question?" Should no member rise to speak and this Local Union indicates its readiness, he shall rise to put question. After he has risen no member shall be permitted to speak upon it.

Rule 26. When the presiding officer has commenced taking a vote, no further debate or remarks shall be allowed, unless a mistake has been made, in which case the mistake shall be rectified and the presiding officer shall recommence taking the vote.

Rule 27. Whenever the Chairman considers a motion unlawful because it is in violation of the Constitution and By-Laws or the International Constitution, or in violation of federal or state law, he is authorized to lay such motion upon the table until the next meeting pending receipt of legal advice in writing from this Local Union's legal counsel which shall be conclusive upon the question.

Rule 28. Matters not provided for in this Article shall be governed by the ruling of the Chairman.

Article XXVII Miscellaneous

Section 27.01 International Constitution. With respect to any matter not provided for in these By-Laws, the provisions of the International Constitution shall govern.

Section 27.02 Union Security Provisions. The provisions of the Constitution and By-Laws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under the International Constitution and By-Laws shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Section 27.03 Invalidity of Provisions. If any provision of this Constitution and By-Laws shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of federal or state government, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in substantial record accord with the general intent and purpose of the invalidated provision. If any section or subsection of these By-Laws should be held invalid by operation or law or by any tribunal of competent jurisdiction, the remainder of these By-Laws or the application of such section or subsection to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.

Article XXVIII Strike Votes

Section 28.01 Strike Votes.

- (a) Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement. Nor shall a strike vote be required for a strike in support of demands that an employer agree to the terms and conditions of an agreement already negotiated and approved on a state, multi-state, multi-area, multi-employer or national, company-wide or area basis of which unit such employer is a member. In either case, the Local Union Executive Board, subject to the approval of the General President, may call the strike in support of its position, and may also, with the approval of the General President, terminate such strike without vote;
- (b) At least forty-eight (48) hours prior to a strike, and in the case of picketing, lawsuit or other serious difficulty, the Secretary-Treasurer shall immediately notify the Joint Council of which it is a member of any contemplated action, as required by the Constitution;

- (c) Out-of-Work benefits shall be payable to members only as provided by and in accordance with the Constitution. The Secretary-Treasurer shall be responsible for securing of such benefits where the Local Union is eligible to receive them, executing all documents required by the International and returning all monies to the International Union remaining unused by the Local Union at the close of the strike or lockout;
- (d) Strikes which are not terminated by the conclusion of a collective bargaining agreement or by arbitration or otherwise may be terminated in such manner as the Local Union Executive Board shall determine appropriate.

Article XXIX
Obligation

Section 29.01 Obligation.

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

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

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

I will faithfully perform all the duties assigned to me to the best of my ability and skill. I will conduct myself at all times in a manner as not to bring reproach upon my Union.

I shall take an affirmative part in the business and activities of the Union and accept and discharge my responsibilities during any authorized strike or lockout.

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

I will never knowingly harm a fellow member.

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

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

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

Notes