

ARTICLE I

NAME AND NATURE

Section 1. This organization shall be known as the Public Employees Supervisors' Union

Section 2. This organization shall be an incorporated labor union.

Section 3. The principal office of this Union shall be maintained at 321 Carteret Terrace, Orange, New Jersey, 07050. The Executive Board may change the location of the principal office and establish and maintain other offices at other locations.

ARTICLE II

OBJECTIVES AND PURPOSES

Section 1. We subscribe to the belief that all persons are entitled to collectively negotiate the terms and conditions of their employment and the compensation to be paid for their time and services under circumstances which give them and their employers an equal voice in such matters. Knowing that collective bargaining through a labor union is the only effective means whereby workers can acquire bargaining power equal to that of their employers, we shall undertake in proper and reasonable ways to encourage all employees to become and remain members of a union authorized to represent them for collective bargaining purposes.

Section 2. It shall be an object of ours to persuade and encourage persons working in employment under our jurisdiction to become and remain members in good standing of our Union; to engage in proper, reasonable and legal activities designed to persuade employees, employers and the public to the desirability of trade unionism; to seek to incorporate in our collective bargaining agreements the maximum union security and job protection provisions permitted by law; to strive to protect and preserve our bargaining position and bargaining power; to seek proper, reasonable and legal means whereby we may protect our standards from the threat of diminution caused by persons outside of our organization working for less; to negotiate contracts for those we represent which will give them fair wages, reasonable hours of work, and satisfactory

terms and conditions of employment; and to exercise all rights permitted by law which tend to foster the interest and welfare of this Union in particular and the trade labor movement in general.

Section 3. It shall be our further object and purpose to encourage and assist our members in the acquisition of additional knowledge and information so that they may be better able to evaluate and pass judgment upon the matters and things which influence their lives and the affairs of this Union; to encourage them to participate actively in the affairs of government and of their community; to encourage them to participate actively in the affairs of this Union; to instill in them the firm knowledge and belief that freedom and democracy cannot exist within this organization unless the will of the majority prevails over the will of the minority; to require that every member recognize his responsibility to this organization as an institution; and to require that our members refrain from conduct that would interfere with the performance of our legal contractual obligations.

Section 4. To the extent permitted by law, within the limits of the means and finances available to us, this organization shall engage in political activities which tend to foster the good and welfare of the trade union movement in general and the good and welfare of our members in particular. This shall include, but not be limited to, the dissemination of information, views, opinions, suggestions and appeals to any and all persons by any means available concerning any candidate

for public office or political issue. It shall include financial contributions in support of the campaigns of candidates or for or against any political issue.

Section 5. It is our purpose to unite into one labor organization, all workers eligible for membership, regardless of religion, race, creed, color, national origin, disability, sex or other protected classification.

ARTICLE III

JURISDICTION

Section 1. This Union shall have jurisdiction to organize, admit to membership and represent all classes of persons specified, described or referred to in this Constitution and By-Laws.

ARTICLE IV

ELIGIBILITY FOR MEMBERSHIP

Section 1. Subject only to the specified conditions stated hereinafter, any person of good moral character who works in a supervisory or administrative capacity, shall be eligible for membership in this organization.

Section 2. No person shall be eligible for membership in this organization if:

- (a) Such person is a member of subversive organization or lends aid, support or comfort to same;
- (b) There is reason to believe that such person may fail to recognize a responsibility to this organization as an institution or that the individual may refuse to refrain from conduct that would interfere with the performance of our legal or contractual obligations.
- (c) There is reason to believe that the individual may not adhere to and abide by our Constitution and Resolutions;
- (d) There is a reason to believe that such individual may not adhere to sound trade union principles.

ARTICLE V

OFFICERS

Section 1. The officers of this organization shall consist of a President, Executive Vice President, 1st Vice President/Treasurer, 2nd Vice President, a Recording Secretary, and a Sergeant-at-Arms. No other person or persons are authorized to (1) perform the functions of said offices except as administrative or clerical assistants working under the direct supervision and control of the officers, or (2) perform or attempt to perform any of the executive functions of the Union.

Section 2. The President shall preside at regular and special meetings of the membership and at the meetings of the Executive Board. The President may appoint a Sergeant-at-Arms who shall assist during membership meetings in excluding persons not entitled to attend and in maintaining order. The President shall be the responsible executive and administrative head of this Union. Except as limited in our Constitution and By-Laws, the President is authorized and empowered to appoint and remove, employ and discharge, administrative assistants, stewards, accountants, attorneys, and office clerical, custodial and service employees and set the salaries, expenses, and fringe benefits for such persons whenever they are reasonably needed to foster or protect the good and welfare of this organization. The President is also authorized to appoint and remove, with the consent of the Executive Board, such business representatives who the president may deem reasonably needed to service the members of this organization. The President may countersign all checks for the withdrawal of

funds from the account of the Union and, together with the 1st Vice President/Treasurer, shall exercise joint custody and control over the stocks, bonds, books, securities and other assets of the organization. The President shall, together with the 1st Vice President/Treasurer, make all expenditures authorized herein for union purposes, unless specifically prohibited by action of the Executive Board. The President shall cast the deciding vote when a tie occurs on any question and shall announce the result of all votes. The President shall also select a Steward who shall be given authorization to counter-sign checks.

Section 3. The Executive Vice President shall assist the President in the performance of his duties, and shall perform the duties of the President in the absence of the President.

Section 4. It shall be the function of the Recording Secretary to attend general membership meetings and Executive Board meetings of the Union and to keep minutes of the proceedings. The Recording Secretary shall keep a record of the names of the membership comprising each committee and handle all correspondence of the Union assigned by the President or authorized by membership resolution. In the absence of the Recording Secretary, the president shall appoint a member to act as Recording Secretary. The minutes of every meeting of the Union, Executive Board and General Membership Meeting shall be read and approved at the next following meeting.

Section 5. The 1st Vice President/Treasurer may countersign all checks for the withdrawal of funds from the accounts of the Union and, together with the President, shall exercise joint custody and control over the stocks, bonds, securities and other assets of the organization. The 1st Vice President/Treasurer shall, together with the President, make all expenditures authorized herein for Union purposes, unless specifically prohibited by action of the Executive Board. The 1st Vice President/Treasurer shall submit a statement of assets, receipts and disbursements in summary form at each meeting. He/she shall submit a financial report to the membership within ninety (90) days after the end of each calendar year. The 1st Vice President/Treasurer may also select a Steward who shall be given authorization to counter-sign checks.

Section 6. It shall be the function of the 2nd Vice President to manage and maintain all materials and postings to the PESU website. The 2nd Vice President may select any members in good standing to assist with the reviewing and posting of materials to the PESU website. The 2nd Vice President shall initiate and maintain a quarterly newsletter to be posted on the PESU website. A committee shall be chosen by the 2nd Vice President to be approved by the Executive Board for the purpose of establishing and updating the newsletter via the PESU website. It is the sole responsibility of the 2nd Vice President to assure and maintain the integrity of the PESU website.

Section 7. Two members of the Executive Board shall examine the financial books and records and audits of the Union periodically, but not less often than semi-annually, and report their findings to the 1st Vice President/Treasurer and to the Executive Board. They shall indicate by their signatures on said audits that they have examined them, and state in writing whether they find them to be in order or not in order.

Section 8. The Officers of this organization shall be elected by secret ballot among the members in good standing for a term of three (3) years, to take effect on the date they are sworn into office.

Section 9. In addition to the duties specified in this Article, each officer shall, as authorized and directed by the Executive Board, perform or assist in the performance of the executive, administrative and business functions of this organization, including, but not limited to, the matters and things specified in Article II hereof.

ARTICLE VI

EXECUTIVE BOARD

Section 1. The Executive Board of this organization shall be composed of the President, Executive Vice President, 1st Vice President/Treasurer, 2nd Vice President, a Recording Secretary, a Sergeant-at-Arms, a Shop Steward from each of the unit offices (or an appointed representative if the office does not have a Shop Steward) and an elected Steward from the Administrative unit.

Section 2. Except as to powers specifically granted to the President and 1st Vice President/Treasurer, and/or otherwise provided for in this Constitution and By-Laws, the 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 our objectives and the motions and resolutions adopted in furtherance thereof. The Executive Board is hereby empowered, in addition to such other general powers conferred herein, or by law to:

- (a) Make and change rules and regulations not inconsistent with this Constitution and By-Laws for the management and conduct of the affairs of this Union, except as may be otherwise provided for herein;
- (b) Provide for the benefits, allowances, direct and indirect disbursements, expenses and reimbursements of expenses for officers and business agents;

- (c) On behalf of the Union, to initiate, defend, compromise, settle, arbitrate or release or to pay the expense or costs of any legal proceedings or actions of any nature if, in its judgment, it shall be necessary or desirable, to protect, preserve, or advance the interests of the organization;
- (d) Fill all vacancies in office for the unexpired term thereof which occur during the term of such office within ninety (90) days;
- (e) To lease, purchase or otherwise acquire in any lawful manner, for and in the name of the organization, all real estate and other property, rights and privileges whatsoever deemed necessary or convenient for the prosecution of its affairs, at such price or consideration and generally on such terms and conditions as the Executive Board may think fit, and at the discretion of the Executive Board, to pay therefore either wholly or partly in money or otherwise;
- (f) Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in the opinion of the Executive Board its interests would thereby be promoted;
- (g) Create, issue and make deeds, mortgages, trust agreements and negotiable instruments secured by mortgage or otherwise, and to do every other act or thing necessary to effectuate the same;

- (h) Create trusts, terminate and effectuate the same;
- (j) To 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 the Union and for the benefit of the organization and its members.

Section 3. The Executive Board of this Union shall meet at least once every three (3) months at such place and time as shall be designated by the Executive Board. Emergency Executive Board meetings may be called by a simple majority of the Executive Board members, by presenting a written petition within five (5) days of the meeting date.

Section 4. A majority of the Executive Board shall constitute a quorum for the transaction of business at any meeting of the Executive Board. A majority of the quorum shall be deemed the action of the Executive Board.

Section 5. By action of the Executive Board, Executive Board members who are not full time paid officers or employees of the organization may be paid their expenses, plus an attendance fee, if any, for attendance at each meeting of the Executive Board.

Section 6. When the President requires action by the Executive Board, when it is not in formal session, he may obtain same by telegraphing, writing to, faxing or telephoning all members of the Executive Board and such members may take

action on the matter to their attention in the same manner. Such action so taken by the majority of the members of the Executive Board shall constitute action of the Executive Board as though the Executive Board were in formal session.

ARTICLE VII

COMPENSATION AND BENEFITS, SPECIAL ALLOWANCES AND EXPENSES

Section 1. The officers' duties frequently require them to work both day and night and to remain on-call twenty-four (24) hours a day. They may often travel in the performance of their duties and be away from their homes and families for varying periods of time. These things cannot be avoided if the affairs of the organization are to be conducted with dispatch and success.

Section 2. Because of the circumstances described in Section 1 of this Article, and in addition to allowances for expenses directly incurred in handling our Union business and affairs, they are expressly authorized and empowered to expend from our funds reasonable amounts for the following purposes:

- (a) To pay for the meals of themselves and others whenever they are on Union-related business;
- (b) To entertain for the purpose of establishing and maintaining contacts with persons, organizations and institutions which tend to foster the good and welfare of this organization.

Section 3. They are likewise authorized and empowered to use any automobile furnished to them for their work during hours when they are not working, except that they shall personally pay for gasoline and oil used on any single trip exceeding two hundred miles.

Section 4. Whenever rank and file members of this organization lose time from their work when engaged in activities on behalf of their Union, and if they

suffer a loss of income as a result thereof, they may be compensated for their loss and expenses from the general funds. Provided, however they must have been authorized to so serve and act and informed that they would be reimbursed in an amount which the Executive Board shall, in its sole discretion, agree upon. Provided, further, neither compensation nor expenses shall be paid for attending membership meetings.

Section 5. Receipts shall be presented by any individual in the employ of the Union for which reimbursement is sought from the Union for expenses incurred as herein set forth.

Section 6. Notwithstanding Section 2 (b) of this Article, no Union officer, Executive Board, and/or member shall receive any compensation from the Union for service to the Union if the Union Dues Account has less than a \$50,000 balance.

ARTICLE VIII

BONDING

Section 1. To the extent required by law, every officer, agent, shop steward, employee or other representative of this Union who handles funds or other

property of this organization shall be bonded for the faithful discharge of his duties in an amount determined by the Executive Board and the premium charges shall be paid out of the general funds of the Union.

Section 2. Should the bond of any person be refused upon application or canceled after surety coverage has been afforded, then, in either event, such person shall be allowed sixty (60) days within which to arrange for a bond. In either event, the Union shall pay that portion of the premium which does not exceed that which would have been charged for the coverage refused or canceled. During this period of time, arrangements shall be made so that such person shall not be permitted to receive, handle, disburse, or otherwise exercise custody or control of the funds or other property of this organization.

Section 3. If the person referred to in Section 2 of this Article VIII has not arranged for a corporate surety bond at the end of said sixty (60) day period, and if the membership so votes at a meeting, before which notice was given that such question would be submitted for vote, then that person may remain in office or on his job, if arrangements are made by the Executive Board so that he or she shall not be permitted to receive, handle, disburse or otherwise exercise custody or control of the funds or other property of this organization.

Section 4. To the extent of the provisions of Section 2 and 3 of this Article may conflict with other provisions of this Constitution and By-Laws, said other provisions shall be considered altered and amended to conform herewith.

ARTICLE IX
RULES GOVERNING THE NOMINATION AND ELECTION OF
OFFICERS

Section 1. This Union shall elect its officers by secret ballot no less often than once every three years. All nominations and elections shall be held in the months of October, November and December preceding the termination of the term of office of each officer. The term of office of elected officers shall expire on December 31st of the year in which nominations are made and elections are held pursuant to this Constitution and By-Laws..

Section 2. At least twenty (20) days prior to the date of the nomination meeting, specific notice of the date, time and place of the nomination meeting shall be mailed or hand-delivered by the Union to each member at his/her last known home address or worksite.

Section 3. Eligibility of Members

To nominate, vote for, or support candidates:

- (a) Every member whose dues are paid up through the month which is prior to the month in which nomination 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 Union pursuant to his voluntary authorization provided for in a collective

bargaining agreement shall be declared ineligible to nominate, vote for, or be a candidate for office in the Union, be reason of an alleged delay or default in the payment of dues by his employer to the Union.

(b)To stand for Election:

Every member who has been in continuous good standing for a period of two years prior to nominations shall be eligible to hold office. Good standing of a member shall mean that he shall have paid his dues each month and during the month when they fall due for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in the Union because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments, prior to the nomination meeting. No member whose dues have been withheld by his employer for payment to the Union pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to nominate, vote for, or be a candidate for office in the Union, by reason of an alleged delay or default in the payment of dues by his employer to the Union.

ARTICLE X
NOMINATIONS

Section 1. 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 the meeting.

Section 2. Nominations shall not be closed until a reasonable opportunity has been afforded for all nominations to be placed or made.

Section 3. Within forty-eight (48) hours of having a candidate's name placed into nomination, the eligibility of a nominated candidate shall be decided by the Committee referenced in Article XII, Section 3 of this Constitution and By-Laws. To be eligible for appointment, a member of that Committee shall not be seeking office in the impending election.

Section 4. Every member of this organization who is eligible to make nominations shall be entitled to nominate one candidate for each office open, or to second the nomination of one candidate for each office open, and shall be required to be present at the nomination meeting for that purpose.

Section 5. Notwithstanding anything to the contrary in this Constitution and By-Laws, whenever a nominee is unopposed at a regularly designated nomination meeting, there shall be no necessity for the election of such nominee and he shall

be declared duly elected at such nomination meeting, effective as of the conclusion of the term of the then incumbent.

ARTICLE XI

ELECTION RULES AND CAMPAIGNS

Section 1. It shall be the Union's policy to comply with all reasonable requests of candidates to distribute by mail or otherwise, at their expense, campaign literature in aid of their candidacy to all members of this organization. However, candidates must give reasonable advance notice of their intention to make such a request, must furnish their own literature, envelopes and stamps, and must avoid requests which will interfere with the conduct of the business and affairs of the Union. If compliance with such requests requires additional help or overtime work by employees, the candidate shall also pay the cost thereof, in advance.

Section 2. Every candidate shall have the right, once within thirty (30) days prior to the date of election in which he is a candidate, to inspect the list containing the names and last known addresses of the members of this organization. The list shall be maintained at the principal office of the Union. Candidates must give the Union office reasonable advance notice of their desire to inspect and may inspect the membership list only during reasonable hours designated for that purpose and

must refrain from copying all or part of the list and from making written notations concerning the list.

Section 3. The funds of this Union may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of nominations and elections.

ARTICLE XII
ELECTIONS OF OFFICERS

Section 1. The election of officers, whenever necessary, shall take place at a special meeting held during the month immediately following the month in which nominations were made but, shall, in no event, take place more than thirty (30) days following the last nomination made for the impending election.

Section 2. Elections shall be held between 3:30 p.m. – 6:00 p.m., at such time and such places as may be determined, by SECRET BALLOT among the members entitled to vote. The manner of balloting shall be decided by the Executive Board in accordance with the terms of this Constitution and By-Laws.

Section 3. The President shall appoint an Election Committee which shall conduct the election. The Committee shall have the power to arrange the position of candidates on the ballot. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of ballots, Observers must be members of this organization.

Section 4. The votes cast for each candidate shall be counted separately and published separately to the membership. Publication may be in writing or orally and at or prior to the regular membership meeting following the date of election. The ballots and other records pertaining to the election shall be preserved for at least one (1) year.

Section 5. Not less than twenty (20) days prior to an election, notice thereof shall be mailed to each member at his/her last known home address as reflected in records of the Union.

Section 6.

- (a) Any member who desires to challenge a ruling that he/she is ineligible to run for office shall appeal in writing, within forty-eight (48) hours after receipt of the ruling by the Election Committee. The Executive Board shall decide such an appeal within seven (7) days after receipt of the appeal. If there shall be a protest or charges made concerning an election by any member prior to the holding of that election, such protest or charges shall be made in writing and sent by registered or certified mail to the Election Committee, addressed at the Union office by such member within forty-eight (48) hours of his/her becoming aware of the event complained of, setting forth the exact nature and specifications of the protest or charges. Such protest or charges shall be made to the Union 1st Vice President/Treasurer who shall refer the protest or charges to the Executive Board for disposition.

(b) In the event there shall be any protest or charges by any member concerning the conduct of the election after the election has been held, such protest or charges shall be made in writing and sent by registered or certified mail by such member within forty-eight (48) hours after the election. Such writing shall set forth the exact nature and specifications of the protest or charges and any claim as to how it has affected the outcome of the election. The protest or charges shall be referred to the Executive Board for disposition. The Executive Board shall conduct an investigation and, if it so directs, conduct a hearing to gather all available information (testimony and documents) relating to the charge and charges. The Executive Board shall render a written decision within forty-five (45) days of the conclusion of its investigation or, if it has directed that a hearing be held, within forty-five (45) days of the conclusion of the hearing.

(c) If votes are challenged, such challenges shall be made in writing at the time of the election with specific reasons given for each challenge. The Election Committee shall determine the propriety of each challenge within seven (7) days of the conclusion of the election if such challenge(s) affect the outcome of the election.

Section 7. No member shall resort to proceedings before any court, administrative agency, or governmental official until he has exhausted the remedies provided for above. Provided, however, that the member's duty to exhaust internal remedies shall expire and cease to be binding if a final decision has not been rendered within three (3) calendar months after the member has invoked them. Provided, further, it shall be the duty and obligations of every member to pursue his internal remedies with promptness and dispatch so that a final decision may be rendered within three (3) months.

ARTICLE XIII

INITIATION FEES, DUES, ASSESSMENTS, FINES AND SERVICE FEE

Section 1. The periodic dues of this organization shall not be in excess of \$40.00 per month. All members must pay their dues on or before the last business day of the current month. Any member failing to pay his dues at such time shall not be in good standing. No member is exempt from payment of dues for any reason whatsoever except as provided under the provisions relating to the issuance of a Withdrawal form.

Section 2. Where it has been arranged to do so by contract, this Union may charge a representation fee to non-members covered by a Union contract, not to exceed any amount allowed by law.

Section 3. All employees who are subject to a collective bargaining agreement requiring membership in this Union as a condition of employment shall have their dues applied to the current month providing their eligibility to become a member becomes effective up to and including the 25th day of any month. In the case of any employee whose eligibility to become a member becomes effective after the 25th day of any month, the dues of such employee shall be applied to the following month.

Section 4. The nature and rate of assessments in this organization shall be as follows: such assessments as may be voted upon at a regular or special meeting of the Union, in accordance with the provisions of applicable law.

Section 5. The rate of dues shall not be increased, and no general or specific assessment shall be levied upon the membership, except by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice has been given to the effect that the question will be voted upon.

Section 6. No member shall be fined, suspended, expelled, or otherwise disciplined because of the financial requirements of this organization except in the manner provided for in Articles XXII and XXIII.

ARTICLE XIV

SUSPENDED MEMBERS

Section 1. Any member who shall be two (2) months in arrears in the payment of dues shall automatically stand suspended and shall not be entitled to any rights or privileges as member of this organization. Provided, however, that the dues checked off by an employer under the terms of a collective bargaining agreement entered into with this Union shall not be considered as a delay or default in payment on the part of a member where the employer has failed to abide by the terms of the dues check-off provisions of the applicable collective bargaining agreement.

Section 2. Any member who has automatically suspended for nonpayment of dues may apply for reinitiating within twelve (12) months of the current months due.

Section 3. Members who are on unpaid leave shall be obligated to continue paying dues although no longer on a dues check-off. Any arrearage shall be subject to Sections 1 and 2 of this Article XIV.

ARTICLE XV

MEETINGS

Section 1. General Membership Meetings

(a) The General Membership Meetings of this Union shall be held at least twice a year. The meeting shall begin no later than 4:45 p.m. and shall adjourn no later than 6:30 p.m., provided, however, a meeting may be continued by a majority vote of the members present. Meetings shall be held at such place as designated by the Executive Board.

(b) Advance notice of the General Membership Meetings shall be posted on the bulletin board or place of employment where members of this Union are employed at least 10 days in advance of the meeting date.

Section 2. Special Meetings

(a) Special meetings may be called by the President or the Executive Board whenever they are deemed necessary and/or by written petition of at least twenty-five percent (25%) of the entire membership. Advance notice shall be given to the membership, which notice shall be posted at all Union work locations which shall set forth the time, place and business to be conducted, and only the business specified shall be considered at the meeting.

Section 3. Place of Employment Meetings

(a) Place of employment meetings shall be held as often as necessary or required by the members for the discussion and consideration of affairs pertaining to the respective work places.

(b) Collective bargaining agreements shall be ratified at a meeting of the members involved.

Section 4. Stewards' Meetings

(a) The President shall have the right to call and hold a General Meeting of all Stewards.

Section 5. On all matters which apply to the general membership, the votes of each meeting shall be totaled to determine the action of the organization in such matter,

Section 6. Grievances shall not be taken up or discussed at any General Membership or Special Meeting of this Union, but the same shall be processed in accordance with the terms and conditions of the agreement.

Section 7. The President or the official representative of the Union shall appoint a member or members to keep minutes of meetings held at the place of employment. Such minutes shall be read and approved at the next following meeting.

ARTICLE XVI

MEMBERSHIP

Section 1. An applicant shall be considered a member when he shall meet all the following requirements for membership:

(a) New applicants are required to fill out (IN FULL) and sign the prescribed membership application.

(b) The Union shall have accepted his application and dues.

ARTICLE XVII

COMMITTEES

Section 1. Except as limited by this Constitution and By-Laws, the Executive Board shall be empowered to establish or provide for the establishment of committees, the members thereof to be appointed by the President. All committees must be established for purpose consistent with the objects and purposes of this organization.

ARTICLE XVIII
GENERAL RIGHTS, PRIVILEGES, DUTIES AND OBLIGATIONS OF
OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES AND
MEMBERS

Section 1. Subject only to the provisions of subsequent sections of this Article and to applicable law, every member of this organization shall have equal rights and privileges within our Union to nominate candidates for office, vote in elections and referendums of this organization, attend membership meetings, and to participate in the deliberations and voting upon the business conducted at such meetings.

Section 2. The rights provided for in Section 1 of this Article must be exercised in ways consistent with law which do not conflict with (a) the provisions of this Constitution and By-Laws, (b) the responsibilities of the members of this organization as an institution, and (c) the duties of this organization to perform its legal or contractual obligations.

Section 3. No member shall engage in anti-unionism or advocate either anti-unionism or disaffiliation at any time or place, and shall not slander or libel this Union, its members, officers, agents, employees or representatives, and shall not be a party to any activity which seeks to dis-establish the Union as the collective bargaining representative of any employees. No member shall interfere with the

performance of the duties of any officer, agent, representative, or employee of this organization.

Section 4. No member of this organization shall be fined, suspended, expelled or otherwise disciplined except for non-payment of dues unless such member has been (a) served with written specific charges; (b) given a reasonable time to prepare his/her defense; and (c) afforded a full and fair hearing, all as hereinafter provided for in Articles XXII and XXIII.

Section 5. Every member of this organization shall be expected and required to recognize a responsibility to this organization as an institution and shall refrain from all activities which are inconsistent or in conflict with that responsibility. In addition, every member shall refrain from conduct that would interfere with the duty of this organization to perform its legal or contractual obligations.

Section 6. This Constitution and By-Laws provides the exclusive means whereby each and every member shall pursue the remedies to which he is entitled hereunder and under applicable laws. Therefore, no member shall resort to proceedings before any court, administrative agency, or governmental official until he has first exhausted the internal remedies provided for in this Constitution and By-Laws. Provided, however, the duty to exhaust internal remedies shall expire and cease to be binding upon a member if a final decision has not been rendered in the member's case within four (4) months after the member has invoked them.

Provided, further, it shall be the duty and obligation of every member to pursue his internal remedies with promptness and dispatch so that a final decision may be rendered within four (4) months. The four (4) month limitation provided for herein shall be modified to three (3) months only in the case of the election procedures.

Section 7. It shall be the duty of a member to notify his Shop Steward or the Union Office of any change of address.

Section 8. Members should make certain that their dues are paid up to date each and every month so that they are in “Good Standing” at all times with the Union. NO MEMBER IS EXEMPT FROM PAYMENT OF DUES FOR ANY REASON WHATSOEVER.

ARTICLE XIX

STEWARDS

Section 1. Stewards shall be nominated and elected or appointed (at time of vacancy) in their respective place of employment and shall hold their stewardship at the discretion of the President.

Section 2. Stewards are empowered to investigate and present grievances in accordance with the provisions of their collective bargaining agreements.

Section 3. The Stewards shall also be empowered to transmit messages and information which shall originate with, and are authorized by the President of the Union, provided such messages and information, (a) have been reduced to writing, or (b) if not reduced to writing, are of routine nature and do not involve work stoppages, slowdowns, or any other interference with the employer's business.

Section 4. Stewards and alternates have no authority to take strike action or any other action interrupting the employer's business.

ARTICLE XX

STRIKES

Section 1. When any difficulty or dispute arises between the members of this Union and their employer, it shall be the duty of the officers of this Union to use every possible means of achieving a settlement or resolution of the difficulty or dispute through the process of collective bargaining.

ARTICLE XXI
OFFENSE FOR WHICH OFFICERS AND MEMBERS
MAY BE CHARGED AND TRIED

Section 1. The basis for charges against officers and members of this organization for which they shall be required to stand trial as hereinafter provided shall consist of one or more of the following:

- (a) Violation of any specific provision of this Constitution and By-laws, or the failure to perform any of the duties specified thereunder;
- (b) Violation of the responsibilities of members to this organization as an institution;
- (c) Conduct that interferes with the performance of our legal or contractual obligations;
- (d) Violations of the Oath of obligation to this organization;
- (e) Violation of the Oath of Office;
- (f) Gross disloyalty or conduct unbecoming a member;
- (g) Misappropriation of Union funds;
- (h) Secession, anti-unionism, or fostering the same;
- (i) Abuse of fellow members or officers by written or oral communication;

- (j) Abuse of fellow members or officers in the meeting hall;
- (k) Activities which tend to bring this organization into disrepute;
- (l) Disobedience to the lawful rules, regulations, mandates, and decrees of this organization;
- (m) Except as otherwise regulated by law, knowingly working for an employer whose employees are on strike or who is on the unfair list of this organization, knowingly giving or attempting to give, directly or indirectly, any information to such employer against this or any other labor organization;
- (n) Preferring charges against members or officers in bad faith or where actuated by malice;
- (o) It will be a violation of this Constitution for any member to be disorderly at any Union meeting. The refusal of a member to abide by the Standing Rules in Article XXIV shall constitute an offense against the Union for which the member may be charged and tried as provided for herein.
- (p) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and fealty as a member of a Trade Union, and for violation of sound Trade Union principles.

ARTICLE XXII

CHARGES AND TRIALS

Section 1. Every member of this organization shall be entitled to fair, equal and impartial treatment in the application of our rules and laws and in the interpretation and application of our rules and laws and in the interpretation and application of our rules relating to offenses, trials and appeals. The fundamental principles of due process, notice, hearing and judgment shall be observed, without, however, requiring any technical formality such as is followed in courts of law and administrative bodies.

Section 2. The provisions of this Article are intended to act as guides for justice and fair play, to be administered by laboring men and women who are not trained in the law. Deviations from these procedures which do not substantially affect substantive rights of the members shall not suffice to invalidate any of our charges, trials or appeals.

Section 3. Any member or officer of this organization may be charged with violating any of the provisions of this Article XXII. Charges shall be preferred by any member of the organization but must be filed in writing and in duplicate with the Secretary-Treasurer. While no particular formality shall be required in the written charges, they shall contain a statement of the facts upon which the charges are predicated and a statement of the particular section or sections of the

Constitution and By-Laws which are contended to have been violated. After such charges have been filed, the Secretary-Treasurer shall, within seven (7) calendar days, forward a copy thereof to the member or officer accused and the accused shall thereafter be required to stand trial at a time and place designated by the Secretary-Treasurer, which shall not be less than ten (10) days from the date the charges are served upon the accused.

Section 4. Persons so accused shall be afforded a hearing before the Executive Board of this organization. If the member charged or preferring the charges is a member of the Executive Board or if any member of the Executive Board is an interested party to any of the charges, the 1st Vice President/Treasurer of the organization shall appoint a disinterested member to serve as a substitute for trial purposes. If the 1st Vice President/Treasurer is the charged or charging party or is an interested party to any of the charges, then the 2nd Vice President shall make the appointment required in the previous sentence of this Section 4.

Section 5. In the conduct of the trial, the accused member may select any other member of this organization to represent him in the presentation of his defense, but no lawyer shall be permitted to appear either on behalf of the accused member, the charging party, or any other person in this organization. The Executive Board, however, may permit the Union attorney to attend all hearings

for the purpose of obtaining advice as to appropriate procedure and for the drafting of all reports and decisions in connection with the trial.

Section 6. In the conduct of the trial, either verbatim minutes, mechanical recording, or accurate summaries of the evidence shall be kept, preserved, and available for use in further proceedings. The Executive Board shall have the discretion to determine the method of recording the proceedings and shall have the authority to exclude any method not authorized by it. The accused shall have the right to be present at the trial and shall be guaranteed the right to confront and cross-examine witnesses giving testimony against him/her. The accused shall be given a full opportunity to make his defense and to produce testimonial or documentary evidence for that purpose, and shall not be restricted to the rules of evidence and procedure applicable to court trials.

Section 7. After the trial body has conducted the trial of an accused, it shall render its judgment and decision in writing, including a summary of the facts relied upon. Disciplinary action, including fines, suspensions, expulsions, and removal of officers, if any is to be imposed, shall be clearly stated. The accused shall be given a copy of the decision of the trial body in each case. The accused shall be permitted to examine copies of the verbatim minutes, mechanical recordings or accurate summaries of evidence kept and preserved. If the accused

desires a copy of the transcript of the proceedings for his own use, he shall pay all costs incurred in reproducing same.

Section 8. Depending upon the seriousness of the offense involved and the decision of the trial body under the facts, accused members and officers may be (1) exonerated and found not guilty of the charges, (2) found guilty in whole or in part without the imposition of any discipline, or (3) found guilty in whole or in part with the imposition of fines, penalties, suspensions, expulsions, removals from office, or other discipline.

Section 9. If the Secretary-Treasurer is the subject of a charge or is preferring charges, all duties imposed upon the Secretary-Treasurer under this Article shall be performed by the President.

Section 10. The accused shall file in writing all objections to the composition of the Executive Board relating to bias and prejudice with the Secretary-Treasurer at least three (3) days before trial date. Challenges directed to the bias and prejudice of any or all members of the Executive Board must be specifically set forth if the accused is aggrieved by the refusal of any member of the Executive Board to disqualify him/her.

ARTICLE XXIII

STANDING RULES FOR UNION MEETINGS

Rule 1. The regular order of business may be suspended by a majority vote of the meeting at any time to dispose of any special 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 of these rules.

Rule 3. Any 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 meeting under the influence of liquor is basis for removal.

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

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

the 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 Chairman, 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. 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 five (5) minutes at one (1) time.

Rule 13. In presenting a motion, a brief statement of its purpose may be made, but no discussion of its merits shall be permitted until the question is stated by the Chair.

Rule 14. All votes other than amendments to the Constitution and By-Laws or Rules of Order may be considered at the same or next succeeding meeting upon

a motion made and seconded by two (2) members who voted in the majority; provided the Union agrees thereto; but after a motion to reconsider has been lost or denied, it shall not be renewed.

PRIVILEGED QUESTION

Rule 15. 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 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 16. When a question is postponed indefinitely, it shall not come up again, except upon a majority vote.

Rule 17. The call for the previous question may be made by any member 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 18. If 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: (1) Amendment to amendment; (2) Amendment; (3) original proposition.

Rule 19. A motion to adjourn shall always be in order except: (1) when a member has the floor; or, (2) when members are voting.

Rule 20. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Union, until fifteen (15) minutes have elapsed.

VOTING

Rule 21. The President, while presiding, shall state every question coming before the Union before suffering debate thereof, and immediately before putting it to a vote he shall ask, "Is the Union ready for the question?" Should no member rise to speak and the Union indicates its readiness, he shall rise to put the question. After he has risen, no member shall be permitted to speak upon it.

Rule 22. When the presiding officer has commenced taking the 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 23. When a motion has been declared carried or lost by acclamation, any member, before the Union proceeds to other business, may call for a count, but the "AYES" and "OPPOSED" cannot be called unless demanded before the President rises to put the question.

Rule 24. The “AYES” and “OPPOSED” may be called for by two (2) members and, upon the assent of one-third (1/3) of the members present, shall be taken.

Rule 25.

- (a) Matters not provided for in this Article shall be governed by the ruling of the Chairman.
- (b) One (1) tap of the gavel shall call to order; two (2) taps to be seated; three (3) taps to rise.

ARTICLE XXIV

SAVING CLAUSE

Section 1. The provisions of this Constitution and By-Laws relating to the payment of dues, assessments, fines, or penalties, etc., shall 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 this Constitution and By-Laws shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Section 2. 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 accord with the intent and purpose of the invalid provision. If any Article or Section should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution and By-Laws or the application of such Article or

Section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

ARTICLE XXV

AMENDMENTS

Section 1. This Constitution and By-Laws may not be amended except by the majority vote of all members present at a general membership meetings or at a special meeting called for such purpose, provided that in either case, any such amendment may be proposed, read and voted upon only if there has been notice to the membership of the nature of the proposed amendment and notice that such amendment shall be voted upon at the next meeting.